

By Senator Farmer

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising the fiscal responsibility
4 requirements for the charter school application and
5 review process; amending s. 1013.24, F.S.; requiring
6 private property taken by eminent domain for a public
7 school purpose or use to be used only for traditional
8 public schools; defining the term "traditional public
9 schools"; amending s. 1013.62, F.S.; authorizing,
10 rather than requiring, a school district to distribute
11 specified funding to eligible charter schools in its
12 district; amending s. 1011.71, F.S.; conforming a
13 provision to changes made by the act; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (b) of subsection (6) of section
19 1002.33, Florida Statutes, is amended to read:

20 1002.33 Charter schools.—

21 (6) APPLICATION PROCESS AND REVIEW.—Charter school
22 applications are subject to the following requirements:

23 (b) A sponsor shall receive and review all applications for
24 a charter school using the evaluation instrument developed by
25 the Department of Education. A sponsor shall receive and
26 consider charter school applications received on or before
27 August 1 of each calendar year for charter schools to be opened
28 at the beginning of the school district's next school year, or
29 to be opened at a time agreed to by the applicant and the

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30 sponsor. A sponsor may not refuse to receive a charter school
31 application submitted before August 1 and may receive an
32 application submitted later than August 1 if it chooses.
33 Beginning in 2018 and thereafter, a sponsor shall receive and
34 consider charter school applications received on or before
35 February 1 of each calendar year for charter schools to be
36 opened 18 months later at the beginning of the school district's
37 school year, or to be opened at a time agreed to by the
38 applicant and the sponsor. A sponsor may not refuse to receive a
39 charter school application submitted before February 1 and may
40 receive an application submitted later than February 1 if it
41 chooses. A sponsor may not charge an applicant for a charter any
42 fee for the processing or consideration of an application, and a
43 sponsor may not base its consideration or approval of a final
44 application upon the promise of future payment of any kind.
45 Before approving or denying any application, the sponsor shall
46 allow the applicant, upon receipt of written notification, at
47 least 7 calendar days to make technical or nonsubstantive
48 corrections and clarifications, including, but not limited to,
49 corrections of grammatical, typographical, and like errors or
50 missing signatures, if such errors are identified by the sponsor
51 as cause to deny the final application.

52 1. In order to facilitate an accurate budget projection
53 process, a sponsor shall be held harmless for FTE students who
54 are not included in the FTE projection due to approval of
55 charter school applications after the FTE projection deadline.
56 In a further effort to facilitate an accurate budget projection,
57 within 15 calendar days after receipt of a charter school
58 application, a sponsor shall report to the Department of

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59 Education the name of the applicant entity, the proposed charter
60 school location, and its projected FTE.

61 2. In order to ensure fiscal responsibility, an application
62 for a charter school must ~~shall~~ include proof that the entity
63 financing the charter school has a bond rating of at least A- by
64 a nationally recognized source; a full accounting of expected
65 assets, a projection of expected sources and amounts of income,
66 including income derived from projected student enrollments and
67 from community support;~~;~~ and an expense projection that includes
68 full accounting of the costs of operation, including start-up
69 costs. A school district that submits a conversion charter
70 school application and that does not have a bond rating may
71 receive up to \$30,000 of state funds towards the creation of an
72 implied general obligation rating.

73 3.a. A sponsor shall by a majority vote approve or deny an
74 application no later than 90 calendar days after the application
75 is received, unless the sponsor and the applicant mutually agree
76 in writing to temporarily postpone the vote to a specific date,
77 at which time the sponsor shall by a majority vote approve or
78 deny the application. If the sponsor fails to act on the
79 application, an applicant may appeal to the State Board of
80 Education as provided in paragraph (c). If an application is
81 denied, the sponsor shall, within 10 calendar days after such
82 denial, articulate in writing the specific reasons, based upon
83 good cause, supporting its denial of the application and shall
84 provide the letter of denial and supporting documentation to the
85 applicant and to the Department of Education.

86 b. An application submitted by a high-performing charter
87 school identified pursuant to s. 1002.331 or a high-performing

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88 charter school system identified pursuant to s. 1002.332 may be
89 denied by the sponsor only if the sponsor demonstrates by clear
90 and convincing evidence that:

91 (I) The application does not materially comply with the
92 requirements in paragraph (a);

93 (II) The charter school proposed in the application does
94 not materially comply with the requirements in paragraphs
95 (9) (a) - (f);

96 (III) The proposed charter school's educational program
97 does not substantially replicate that of the applicant or one of
98 the applicant's high-performing charter schools;

99 (IV) The applicant has made a material misrepresentation or
100 false statement or concealed an essential or material fact
101 during the application process; or

102 (V) The proposed charter school's educational program and
103 financial management practices do not materially comply with the
104 requirements of this section.

105
106 Material noncompliance is a failure to follow requirements or a
107 violation of prohibitions applicable to charter school
108 applications, which failure is quantitatively or qualitatively
109 significant either individually or when aggregated with other
110 noncompliance. An applicant is considered to be replicating a
111 high-performing charter school if the proposed school is
112 substantially similar to at least one of the applicant's high-
113 performing charter schools and the organization or individuals
114 involved in the establishment and operation of the proposed
115 school are significantly involved in the operation of replicated
116 schools.

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117 c. If the sponsor denies an application submitted by a
118 high-performing charter school or a high-performing charter
119 school system, the sponsor must, within 10 calendar days after
120 such denial, state in writing the specific reasons, based upon
121 the criteria in sub-subparagraph b., supporting its denial of
122 the application and must provide the letter of denial and
123 supporting documentation to the applicant and to the Department
124 of Education. The applicant may appeal the sponsor's denial of
125 the application in accordance with paragraph (c).

126 4. For budget projection purposes, the sponsor shall report
127 to the Department of Education the approval or denial of an
128 application within 10 calendar days after such approval or
129 denial. In the event of approval, the report to the Department
130 of Education shall include the final projected FTE for the
131 approved charter school.

132 5. Upon approval of an application, the initial startup
133 shall commence with the beginning of the public school calendar
134 for the district in which the charter is granted. A charter
135 school may defer the opening of the school's operations for up
136 to 2 years to provide time for adequate facility planning. The
137 charter school must provide written notice of such intent to the
138 sponsor and the parents of enrolled students at least 30
139 calendar days before the first day of school.

140 Section 2. Section 1013.24, Florida Statutes, is amended to
141 read:

142 1013.24 Right of eminent domain.—There is conferred upon
143 the district school boards in the state the authority and right
144 to take private property for any public school purpose or use
145 when, in the opinion of the school board, such property is

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146 needed in the operation of any or all of the traditional public
147 schools within the district, including property needed for any
148 school purpose or use in any school district or districts within
149 the county. The absolute fee simple title to all property so
150 taken and acquired shall vest in the district school board,
151 unless the school board seeks to appropriate a particular right
152 or estate in such property. For purposes of this section, the
153 term "traditional public schools" does not include charter
154 schools.

155 Section 3. Subsection (3) of section 1013.62, Florida
156 Statutes, is amended to read:

157 1013.62 Charter schools capital outlay funding.—

158 (3) If the school board levies the discretionary millage
159 authorized in s. 1011.71(2), the department shall use the
160 following calculation methodology to determine the amount of
161 revenue that a school district may, at the discretion of the
162 school board, must distribute to each eligible charter school:

163 (a) Reduce the total discretionary millage revenue by the
164 school district's annual debt service obligation incurred as of
165 March 1, 2017, and any amount of participation requirement
166 pursuant to s. 1013.64(2)(a)8. that is being satisfied by
167 revenues raised by the discretionary millage.

168 (b) Divide the school district's adjusted discretionary
169 millage revenue by the district's total capital outlay full-time
170 equivalent membership and the total number of unweighted full-
171 time equivalent students of each eligible charter school to
172 determine a capital outlay allocation per full-time equivalent
173 student.

174 (c) Multiply the capital outlay allocation per full-time

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175 equivalent student by the total number of full-time equivalent
176 students of each eligible charter school to determine the
177 capital outlay allocation for each charter school.

178 (d) If applicable, reduce the capital outlay allocation
179 identified in paragraph (c) by the total amount of state funds
180 allocated to each eligible charter school in subsection (2) to
181 determine the maximum calculated capital outlay allocation.

182 (e) A school district that chooses to share capital outlay
183 funds with charter schools within the district ~~districts~~ shall
184 distribute the capital-outlay funds to the charter schools no
185 later than February 1 of each year, ~~beginning on February 1,~~
186 ~~2018, for the 2017-2018 fiscal year.~~

187 Section 4. Subsection (2) of section 1011.71, Florida
188 Statutes, is amended to read:

189 1011.71 District school tax.—

190 (2) In addition to the maximum millage levy as provided in
191 subsection (1), each school board may levy not more than 1.5
192 mills against the taxable value for school purposes for charter
193 schools pursuant to s. 1013.62(3), at the discretion of the
194 district school board, and for district schools to fund:

195 (a) New construction and remodeling projects, as set forth
196 in s. 1013.64(3)(d) and (6)(b) and included in the district's
197 educational plant survey pursuant to s. 1013.31, without regard
198 to prioritization, sites and site improvement or expansion to
199 new sites, existing sites, auxiliary facilities, athletic
200 facilities, or ancillary facilities.

201 (b) Maintenance, renovation, and repair of existing school
202 plants or of leased facilities to correct deficiencies pursuant
203 to s. 1013.15(2).

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204 (c) The purchase, lease-purchase, or lease of school buses.

205 (d) The purchase, lease-purchase, or lease of new and
206 replacement equipment; computer and device hardware and
207 operating system software necessary for gaining access to or
208 enhancing the use of electronic and digital instructional
209 content and resources; and enterprise resource software
210 applications that are classified as capital assets in accordance
211 with definitions of the Governmental Accounting Standards Board,
212 have a useful life of at least 5 years, and are used to support
213 districtwide administration or state-mandated reporting
214 requirements. Enterprise resource software may be acquired by
215 annual license fees, maintenance fees, or lease agreements.

216 (e) Payments for educational facilities and sites due under
217 a lease-purchase agreement entered into by a district school
218 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
219 exceeding, in the aggregate, an amount equal to three-fourths of
220 the proceeds from the millage levied by a district school board
221 pursuant to this subsection. The three-fourths limit is waived
222 for lease-purchase agreements entered into before June 30, 2009,
223 by a district school board pursuant to this paragraph.

224 (f) Payment of loans approved pursuant to ss. 1011.14 and
225 1011.15.

226 (g) Payment of costs directly related to complying with
227 state and federal environmental statutes, rules, and regulations
228 governing school facilities.

229 (h) Payment of costs of leasing relocatable educational
230 facilities, of renting or leasing educational facilities and
231 sites pursuant to s. 1013.15(2), or of renting or leasing
232 buildings or space within existing buildings pursuant to s.

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233 1013.15(4).

234 (i) Payment of the cost of school buses when a school
235 district contracts with a private entity to provide student
236 transportation services if the district meets the requirements
237 of this paragraph.

238 1. The district's contract must require that the private
239 entity purchase, lease-purchase, or lease, and operate and
240 maintain, one or more school buses of a specific type and size
241 that meet the requirements of s. 1006.25.

242 2. Each such school bus must be used for the daily
243 transportation of public school students in the manner required
244 by the school district.

245 3. Annual payment for each such school bus may not exceed
246 10 percent of the purchase price of the state pool bid.

247 4. The proposed expenditure of the funds for this purpose
248 must have been included in the district school board's notice of
249 proposed tax for school capital outlay as provided in s.
250 200.065(10).

251 (j) Payment of the cost of the opening day collection for
252 the library media center of a new school.

253 (k) Payout of sick leave and annual leave accrued as of
254 June 30, 2017, by individuals who are no longer employed by a
255 school district that transfers to a charter school operator all
256 day-to-day classroom instruction responsibility for all full-
257 time equivalent students funded under s. 1011.62. This paragraph
258 expires July 1, 2018.

259 Section 5. This act shall take effect July 1, 2018.