

1 A bill to be entitled
 2 An act relating to charter schools capital outlay
 3 funding; repealing s. 1013.62, F.S., relating to
 4 charter schools capital outlay funding; amending ss.
 5 1002.32, 1002.33, 1002.333, 1002.34, 1011.71, and
 6 1013.64, F.S.; conforming provisions to changes made
 7 by the act; conforming cross-references; providing an
 8 effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 1013.62, Florida Statutes, is repealed.

13 Section 2. Paragraph (h) of subsection (9) of section
 14 1002.32, Florida Statutes, is amended to read:

15 1002.32 Developmental research (laboratory) schools.—

16 (9) FUNDING.—Funding for a lab school, including a charter
 17 lab school, shall be provided as follows:

18 ~~(h) A lab school to which a charter has been issued under~~
 19 ~~s. 1002.33(5)(a)2. is eligible to receive funding for charter~~
 20 ~~school capital outlay if it meets the eligibility requirements~~
 21 ~~of s. 1013.62. If the lab school receives funds from charter~~
 22 ~~school capital outlay, the school shall receive capital outlay~~
 23 ~~funds otherwise provided in this subsection only to the extent~~
 24 ~~that funds allocated pursuant to s. 1013.62 are insufficient to~~
 25 ~~provide capital outlay funds to the lab school at one-fifteenth~~

26 | ~~of the cost per student station.~~

27 | Section 3. Subsection (1), paragraph (b) of subsection
28 | (5), subsection (7), paragraph (d) of subsection (8), paragraph
29 | (e) of subsection (10), paragraph (b) of subsection (17), and
30 | subsection (19) of section 1002.33, Florida Statutes, are
31 | amended to read:

32 | 1002.33 Charter schools.—

33 | (1) AUTHORIZATION.—All charter schools in Florida are
34 | public schools and shall be part of the state's program of
35 | public education. A charter school may be formed by creating a
36 | new school or converting an existing public school to charter
37 | status. A charter school may operate a virtual charter school
38 | pursuant to s. 1002.45(1)(d) to provide full-time online
39 | instruction to students, pursuant to s. 1002.455, in
40 | kindergarten through grade 12. The school district in which the
41 | student enrolls in the virtual charter school shall report the
42 | student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
43 | the home school district shall not report the student for
44 | funding. An existing charter school that is seeking to become a
45 | virtual charter school must amend its charter or submit a new
46 | application pursuant to subsection (6) to become a virtual
47 | charter school. A virtual charter school is subject to the
48 | requirements of this section; however, a virtual charter school
49 | is exempt from subsection ~~subsections~~ (18) ~~and (19)~~, paragraph
50 | (19)(c) ~~(20)(e)~~, and s. 1003.03. A public school may not use the

51 term charter in its name unless it has been approved under this
52 section.

53 (5) SPONSOR; DUTIES.—

54 (b) Sponsor duties.—

55 1.a. The sponsor shall monitor and review the charter
56 school in its progress toward the goals established in the
57 charter.

58 b. The sponsor shall monitor the revenues and expenditures
59 of the charter school and perform the duties provided in s.
60 1002.345.

61 c. The sponsor may approve a charter for a charter school
62 before the applicant has identified space, equipment, or
63 personnel, if the applicant indicates approval is necessary for
64 it to raise working funds.

65 d. The sponsor shall not apply its policies to a charter
66 school unless mutually agreed to by both the sponsor and the
67 charter school. If the sponsor subsequently amends any agreed-
68 upon sponsor policy, the version of the policy in effect at the
69 time of the execution of the charter, or any subsequent
70 modification thereof, shall remain in effect and the sponsor may
71 not hold the charter school responsible for any provision of a
72 newly revised policy until the revised policy is mutually agreed
73 upon.

74 e. The sponsor shall ensure that the charter is innovative
75 and consistent with the state education goals established by s.

76 | 1000.03(5).

77 | f. The sponsor shall ensure that the charter school
 78 | participates in the state's education accountability system. If
 79 | a charter school falls short of performance measures included in
 80 | the approved charter, the sponsor shall report such shortcomings
 81 | to the Department of Education.

82 | g. The sponsor shall not be liable for civil damages under
 83 | state law for personal injury, property damage, or death
 84 | resulting from an act or omission of an officer, employee,
 85 | agent, or governing body of the charter school.

86 | h. The sponsor shall not be liable for civil damages under
 87 | state law for any employment actions taken by an officer,
 88 | employee, agent, or governing body of the charter school.

89 | i. The sponsor's duties to monitor the charter school
 90 | shall not constitute the basis for a private cause of action.

91 | j. The sponsor shall not impose additional reporting
 92 | requirements on a charter school without providing reasonable
 93 | and specific justification in writing to the charter school.

94 | k. The sponsor shall submit an annual report to the
 95 | Department of Education in a web-based format to be determined
 96 | by the department.

97 | (I) The report shall include the following information:

98 | (A) The number of draft applications received on or before
 99 | May 1 and each applicant's contact information.

100 | (B) The number of final applications received on or before

101 August 1 and each applicant's contact information.

102 (C) The date each application was approved, denied, or
103 withdrawn.

104 (D) The date each final contract was executed.

105 (II) Beginning August 31, 2013, and each year thereafter,
106 the sponsor shall submit to the department the information for
107 the applications submitted the previous year.

108 (III) The department shall compile an annual report, by
109 district, and post the report on its website by November 1 of
110 each year.

111 2. Immunity for the sponsor of a charter school under
112 subparagraph 1. applies only with respect to acts or omissions
113 not under the sponsor's direct authority as described in this
114 section.

115 3. This paragraph does not waive a district school board's
116 sovereign immunity.

117 4. A Florida College System institution may work with the
118 school district or school districts in its designated service
119 area to develop charter schools that offer secondary education.
120 These charter schools must include an option for students to
121 receive an associate degree upon high school graduation. If a
122 Florida College System institution operates an approved teacher
123 preparation program under s. 1004.04 or s. 1004.85, the
124 institution may operate no more than one charter school that
125 serves students in kindergarten through grade 12. In

126 kindergarten through grade 8, the charter school shall implement
127 innovative blended learning instructional models in which, for a
128 given course, a student learns in part through online delivery
129 of content and instruction with some element of student control
130 over time, place, path, or pace and in part at a supervised
131 brick-and-mortar location away from home. A student in a blended
132 learning course must be a full-time student of the charter
133 school and receive the online instruction in a classroom setting
134 at the charter school. District school boards shall cooperate
135 with and assist the Florida College System institution on the
136 charter application. Florida College System institution
137 applications for charter schools are not subject to the time
138 deadlines outlined in subsection (6) and may be approved by the
139 district school board at any time during the year. Florida
140 College System institutions may not report FTE for any students
141 who receive FTE funding through the Florida Education Finance
142 Program.

143 5. A school district may enter into nonexclusive
144 interlocal agreements with federal and state agencies, counties,
145 municipalities, and other governmental entities that operate
146 within the geographical borders of the school district to act on
147 behalf of such governmental entities in the inspection,
148 issuance, and other necessary activities for all necessary
149 permits, licenses, and other permissions that a charter school
150 needs in order for development, construction, or operation. A

151 charter school may use, but may not be required to use, a school
152 district for these services. The interlocal agreement must
153 include, but need not be limited to, the identification of fees
154 that charter schools will be charged for such services. The fees
155 must consist of the governmental entity's fees plus a fee for
156 the school district to recover no more than actual costs for
157 providing such services. These services and fees are not
158 included within the services to be provided pursuant to
159 subsection (19) ~~(20)~~.

160 (7) CHARTER.—The terms and conditions for the operation of
161 a charter school shall be set forth by the sponsor and the
162 applicant in a written contractual agreement, called a charter.
163 The sponsor and the governing board of the charter school shall
164 use the standard charter contract pursuant to subsection (20)
165 ~~(21)~~, which shall incorporate the approved application and any
166 addenda approved with the application. Any term or condition of
167 a proposed charter contract that differs from the standard
168 charter contract adopted by rule of the State Board of Education
169 shall be presumed a limitation on charter school flexibility.
170 The sponsor may not impose unreasonable rules or regulations
171 that violate the intent of giving charter schools greater
172 flexibility to meet educational goals. The charter shall be
173 signed by the governing board of the charter school and the
174 sponsor, following a public hearing to ensure community input.

175 (a) The charter shall address and criteria for approval of

176 the charter shall be based on:

177 1. The school's mission, the students to be served, and
178 the ages and grades to be included.

179 2. The focus of the curriculum, the instructional methods
180 to be used, any distinctive instructional techniques to be
181 employed, and identification and acquisition of appropriate
182 technologies needed to improve educational and administrative
183 performance which include a means for promoting safe, ethical,
184 and appropriate uses of technology which comply with legal and
185 professional standards.

186 a. The charter shall ensure that reading is a primary
187 focus of the curriculum and that resources are provided to
188 identify and provide specialized instruction for students who
189 are reading below grade level. The curriculum and instructional
190 strategies for reading must be consistent with the Next
191 Generation Sunshine State Standards and grounded in
192 scientifically based reading research.

193 b. In order to provide students with access to diverse
194 instructional delivery models, to facilitate the integration of
195 technology within traditional classroom instruction, and to
196 provide students with the skills they need to compete in the
197 21st century economy, the Legislature encourages instructional
198 methods for blended learning courses consisting of both
199 traditional classroom and online instructional techniques.
200 Charter schools may implement blended learning courses which

201 combine traditional classroom instruction and virtual
202 instruction. Students in a blended learning course must be full-
203 time students of the charter school pursuant to s.
204 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
205 1012.55 who provide virtual instruction for blended learning
206 courses may be employees of the charter school or may be under
207 contract to provide instructional services to charter school
208 students. At a minimum, such instructional personnel must hold
209 an active state or school district adjunct certification under
210 s. 1012.57 for the subject area of the blended learning course.
211 The funding and performance accountability requirements for
212 blended learning courses are the same as those for traditional
213 courses.

214 3. The current incoming baseline standard of student
215 academic achievement, the outcomes to be achieved, and the
216 method of measurement that will be used. The criteria listed in
217 this subparagraph shall include a detailed description of:

218 a. How the baseline student academic achievement levels
219 and prior rates of academic progress will be established.

220 b. How these baseline rates will be compared to rates of
221 academic progress achieved by these same students while
222 attending the charter school.

223 c. To the extent possible, how these rates of progress
224 will be evaluated and compared with rates of progress of other
225 closely comparable student populations.

226
227 The district school board is required to provide academic
228 student performance data to charter schools for each of their
229 students coming from the district school system, as well as
230 rates of academic progress of comparable student populations in
231 the district school system.

232 4. The methods used to identify the educational strengths
233 and needs of students and how well educational goals and
234 performance standards are met by students attending the charter
235 school. The methods shall provide a means for the charter school
236 to ensure accountability to its constituents by analyzing
237 student performance data and by evaluating the effectiveness and
238 efficiency of its major educational programs. Students in
239 charter schools shall, at a minimum, participate in the
240 statewide assessment program created under s. 1008.22.

241 5. In secondary charter schools, a method for determining
242 that a student has satisfied the requirements for graduation in
243 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

244 6. A method for resolving conflicts between the governing
245 board of the charter school and the sponsor.

246 7. The admissions procedures and dismissal procedures,
247 including the school's code of student conduct. Admission or
248 dismissal must not be based on a student's academic performance.

249 8. The ways by which the school will achieve a
250 racial/ethnic balance reflective of the community it serves or

251 within the racial/ethnic range of other public schools in the
252 same school district.

253 9. The financial and administrative management of the
254 school, including a reasonable demonstration of the professional
255 experience or competence of those individuals or organizations
256 applying to operate the charter school or those hired or
257 retained to perform such professional services and the
258 description of clearly delineated responsibilities and the
259 policies and practices needed to effectively manage the charter
260 school. A description of internal audit procedures and
261 establishment of controls to ensure that financial resources are
262 properly managed must be included. Both public sector and
263 private sector professional experience shall be equally valid in
264 such a consideration.

265 10. The asset and liability projections required in the
266 application which are incorporated into the charter and shall be
267 compared with information provided in the annual report of the
268 charter school.

269 11. A description of procedures that identify various
270 risks and provide for a comprehensive approach to reduce the
271 impact of losses; plans to ensure the safety and security of
272 students and staff; plans to identify, minimize, and protect
273 others from violent or disruptive student behavior; and the
274 manner in which the school will be insured, including whether or
275 not the school will be required to have liability insurance,

276 and, if so, the terms and conditions thereof and the amounts of
277 coverage.

278 12. The term of the charter which shall provide for
279 cancellation of the charter if insufficient progress has been
280 made in attaining the student achievement objectives of the
281 charter and if it is not likely that such objectives can be
282 achieved before expiration of the charter. The initial term of a
283 charter shall be for 5 years, excluding 2 planning years. In
284 order to facilitate access to long-term financial resources for
285 charter school construction, charter schools that are operated
286 by a municipality or other public entity as provided by law are
287 eligible for up to a 15-year charter, subject to approval by the
288 district school board. A charter lab school is eligible for a
289 charter for a term of up to 15 years. In addition, to facilitate
290 access to long-term financial resources for charter school
291 construction, charter schools that are operated by a private,
292 not-for-profit, s. 501(c)(3) status corporation are eligible for
293 up to a 15-year charter, subject to approval by the district
294 school board. Such long-term charters remain subject to annual
295 review and may be terminated during the term of the charter, but
296 only according to the provisions set forth in subsection (8).

297 13. The facilities to be used and their location. The
298 sponsor may not require a charter school to have a certificate
299 of occupancy or a temporary certificate of occupancy for such a
300 facility earlier than 15 calendar days before the first day of

301 school.

302 14. The qualifications to be required of the teachers and
 303 the potential strategies used to recruit, hire, train, and
 304 retain qualified staff to achieve best value.

305 15. The governance structure of the school, including the
 306 status of the charter school as a public or private employer as
 307 required in paragraph (12) (i).

308 16. A timetable for implementing the charter which
 309 addresses the implementation of each element thereof and the
 310 date by which the charter shall be awarded in order to meet this
 311 timetable.

312 17. In the case of an existing public school that is being
 313 converted to charter status, alternative arrangements for
 314 current students who choose not to attend the charter school and
 315 for current teachers who choose not to teach in the charter
 316 school after conversion in accordance with the existing
 317 collective bargaining agreement or district school board rule in
 318 the absence of a collective bargaining agreement. However,
 319 alternative arrangements shall not be required for current
 320 teachers who choose not to teach in a charter lab school, except
 321 as authorized by the employment policies of the state university
 322 which grants the charter to the lab school.

323 18. Full disclosure of the identity of all relatives
 324 employed by the charter school who are related to the charter
 325 school owner, president, chairperson of the governing board of

326 | directors, superintendent, governing board member, principal,
327 | assistant principal, or any other person employed by the charter
328 | school who has equivalent decisionmaking authority. For the
329 | purpose of this subparagraph, the term "relative" means father,
330 | mother, son, daughter, brother, sister, uncle, aunt, first
331 | cousin, nephew, niece, husband, wife, father-in-law, mother-in-
332 | law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
333 | stepfather, stepmother, stepson, stepdaughter, stepbrother,
334 | stepsister, half brother, or half sister.

335 | 19. Implementation of the activities authorized under s.
336 | 1002.331 by the charter school when it satisfies the eligibility
337 | requirements for a high-performing charter school. A high-
338 | performing charter school shall notify its sponsor in writing by
339 | March 1 if it intends to increase enrollment or expand grade
340 | levels the following school year. The written notice shall
341 | specify the amount of the enrollment increase and the grade
342 | levels that will be added, as applicable.

343 | (b) The sponsor has 30 days after approval of the
344 | application to provide an initial proposed charter contract to
345 | the charter school. The applicant and the sponsor have 40 days
346 | thereafter to negotiate and notice the charter contract for
347 | final approval by the sponsor unless both parties agree to an
348 | extension. The proposed charter contract shall be provided to
349 | the charter school at least 7 calendar days before the date of
350 | the meeting at which the charter is scheduled to be voted upon

351 by the sponsor. The Department of Education shall provide
352 mediation services for any dispute regarding this section
353 subsequent to the approval of a charter application and for any
354 dispute relating to the approved charter, except a dispute
355 regarding a charter school application denial. If the
356 Commissioner of Education determines that the dispute cannot be
357 settled through mediation, the dispute may be appealed to an
358 administrative law judge appointed by the Division of
359 Administrative Hearings. The administrative law judge has final
360 order authority to rule on issues of equitable treatment of the
361 charter school as a public school, whether proposed provisions
362 of the charter violate the intended flexibility granted charter
363 schools by statute, or any other matter regarding this section,
364 except a dispute regarding charter school application denial, a
365 charter termination, or a charter nonrenewal. The administrative
366 law judge shall award the prevailing party reasonable attorney
367 fees and costs incurred during the mediation process,
368 administrative proceeding, and any appeals, to be paid by the
369 party whom the administrative law judge rules against.

370 (c)1. A charter may be renewed provided that a program
371 review demonstrates that the criteria in paragraph (a) have been
372 successfully accomplished and that none of the grounds for
373 nonrenewal established by paragraph (8)(a) has been documented.
374 In order to facilitate long-term financing for charter school
375 construction, charter schools operating for a minimum of 3 years

376 and demonstrating exemplary academic programming and fiscal
377 management are eligible for a 15-year charter renewal. Such
378 long-term charter is subject to annual review and may be
379 terminated during the term of the charter.

380 2. The 15-year charter renewal that may be granted
381 pursuant to subparagraph 1. shall be granted to a charter school
382 that has received a school grade of "A" or "B" pursuant to s.
383 1008.34 in 3 of the past 4 years and is not in a state of
384 financial emergency or deficit position as defined by this
385 section. Such long-term charter is subject to annual review and
386 may be terminated during the term of the charter pursuant to
387 subsection (8).

388 (d) A charter may be modified during its initial term or
389 any renewal term upon the recommendation of the sponsor or the
390 charter school's governing board and the approval of both
391 parties to the agreement. Modification during any term may
392 include, but is not limited to, consolidation of multiple
393 charters into a single charter if the charters are operated
394 under the same governing board, regardless of the renewal cycle.
395 A charter school that is not subject to a school improvement
396 plan and that closes as part of a consolidation shall be
397 reported by the school district as a consolidation.

398 (e) A charter may be terminated by a charter school's
399 governing board through voluntary closure. The decision to cease
400 operations must be determined at a public meeting. The governing

401 board shall notify the parents and sponsor of the public meeting
402 in writing before the public meeting. The governing board must
403 notify the sponsor, parents of enrolled students, and the
404 department in writing within 24 hours after the public meeting
405 of its determination. The notice shall state the charter
406 school's intent to continue operations or the reason for the
407 closure and acknowledge that the governing board agrees to
408 follow the procedures for dissolution and reversion of public
409 funds pursuant to paragraphs (8) (d)-(f) and (9) (o).

410 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

411 (d) When a charter is not renewed or is terminated, the
412 school shall be dissolved under the provisions of law under
413 which the school was organized, and any unencumbered public
414 funds, except for ~~capital outlay funds and~~ federal charter
415 school program grant funds, from the charter school shall revert
416 to the sponsor. ~~Capital outlay funds provided pursuant to s.~~
417 ~~1013.62 and~~ Federal charter school program grant funds that are
418 unencumbered shall revert to the department to be redistributed
419 among eligible charter schools. In the event a charter school is
420 dissolved or is otherwise terminated, all district school board
421 property and improvements, furnishings, and equipment purchased
422 with public funds shall automatically revert to full ownership
423 by the district school board, subject to complete satisfaction
424 of any lawful liens or encumbrances. Any unencumbered public
425 funds from the charter school, district school board property

426 and improvements, furnishings, and equipment purchased with
427 public funds, or financial or other records pertaining to the
428 charter school, in the possession of any person, entity, or
429 holding company, other than the charter school, shall be held in
430 trust upon the district school board's request, until any appeal
431 status is resolved.

432 (10) ELIGIBLE STUDENTS.—

433 (e) A charter school may limit the enrollment process only
434 to target the following student populations:

435 1. Students within specific age groups or grade levels.

436 2. Students considered at risk of dropping out of school
437 or academic failure. Such students shall include exceptional
438 education students.

439 3. Students enrolling in a charter school-in-the-workplace
440 or charter school-in-a-municipality established pursuant to
441 subsection (15).

442 4. Students residing within a reasonable distance of the
443 charter school, as described in paragraph (19)(c) ~~(20)(e)~~. Such
444 students shall be subject to a random lottery and to the
445 racial/ethnic balance provisions described in subparagraph
446 (7)(a)8. or any federal provisions that require a school to
447 achieve a racial/ethnic balance reflective of the community it
448 serves or within the racial/ethnic range of other public schools
449 in the same school district.

450 5. Students who meet reasonable academic, artistic, or

451 other eligibility standards established by the charter school
452 and included in the charter school application and charter or,
453 in the case of existing charter schools, standards that are
454 consistent with the school's mission and purpose. Such standards
455 shall be in accordance with current state law and practice in
456 public schools and may not discriminate against otherwise
457 qualified individuals.

458 6. Students articulating from one charter school to
459 another pursuant to an articulation agreement between the
460 charter schools that has been approved by the sponsor.

461 7. Students living in a development in which a business
462 entity provides the school facility and related property having
463 an appraised value of at least \$5 million to be used as a
464 charter school to mitigate the educational impact created by the
465 development of new residential dwelling units. Students living
466 in the development shall be entitled to no more than 50 percent
467 of the student stations in the charter school. The students who
468 are eligible for enrollment are subject to a random lottery, the
469 racial/ethnic balance provisions, or any federal provisions, as
470 described in subparagraph 4. The remainder of the student
471 stations shall be filled in accordance with subparagraph 4.

472 (17) FUNDING.—Students enrolled in a charter school,
473 regardless of the sponsorship, shall be funded as if they are in
474 a basic program or a special program, the same as students
475 enrolled in other public schools in the school district. Funding

476 | for a charter lab school shall be as provided in s. 1002.32.

477 | (b) The basis for the agreement for funding students
478 | enrolled in a charter school shall be the sum of the school
479 | district's operating funds from the Florida Education Finance
480 | Program as provided in s. 1011.62 and the General Appropriations
481 | Act, including gross state and local funds, discretionary
482 | lottery funds, and funds from the school district's current
483 | operating discretionary millage levy; divided by total funded
484 | weighted full-time equivalent students in the school district;
485 | multiplied by the weighted full-time equivalent students for the
486 | charter school. Charter schools whose students or programs meet
487 | the eligibility criteria in law are entitled to their
488 | proportionate share of categorical program funds included in the
489 | total funds available in the Florida Education Finance Program
490 | by the Legislature, including transportation, the research-based
491 | reading allocation, and the Florida digital classrooms
492 | allocation. Total funding for each charter school shall be
493 | recalculated during the year to reflect the revised calculations
494 | under the Florida Education Finance Program by the state and the
495 | actual weighted full-time equivalent students reported by the
496 | charter school during the full-time equivalent student survey
497 | periods designated by the Commissioner of Education. For charter
498 | schools operated by a not-for-profit or municipal entity, any
499 | unrestricted current and capital assets identified in the
500 | charter school's annual financial audit may be used for other

501 charter schools operated by the not-for-profit or municipal
502 entity within the school district. Unrestricted current assets
503 shall be used in accordance with s. 1011.62, ~~and any~~
504 ~~unrestricted capital assets shall be used in accordance with s.~~
505 ~~1013.62(2).~~

506 ~~(19) CAPITAL OUTLAY FUNDING. Charter schools are eligible~~
507 ~~for capital outlay funds pursuant to ss. 1011.71(2) and 1013.62.~~
508 ~~Capital outlay funds authorized in ss. 1011.71(2) and 1013.62~~
509 ~~which have been shared with a charter school in the workplace~~
510 ~~prior to July 1, 2010, are deemed to have met the authorized~~
511 ~~expenditure requirements for such funds.~~

512 Section 4. Subsection (8) and paragraph (c) of subsection
513 (9) of section 1002.333, Florida Statutes, are amended to read:
514 1002.333 Persistently low-performing schools.—

515 (8) NONCOMPLIANCE.—A school district that does not enter
516 into a performance-based agreement within 60 days after receipt
517 of a notice of intent shall reduce the administrative fees
518 withheld pursuant to s. 1002.33(19) ~~s. 1002.33(20)~~ to 1 percent
519 for all charter schools operating in the school district. Upon
520 execution of the performance-based agreement, the school
521 district may resume withholding the full amount of
522 administrative fees, but may not recover any fees that would
523 have otherwise accrued during the period of noncompliance. Any
524 charter school that had administrative fees withheld in
525 violation of this subsection may recover attorney fees and costs

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526 to enforce the requirements of this subsection. A school
527 district subject to the requirements of this section shall file
528 a monthly report detailing the reduction in the amount of
529 administrative fees withheld.

530 (9) FUNDING.—

531 ~~(c) Schools of hope shall be considered charter schools~~
532 ~~for purposes of s. 1013.62, except charter capital outlay may~~
533 ~~not be used to purchase real property or for the construction of~~
534 ~~school facilities.~~

535 Section 5. Paragraph (c) of subsection (10) and subsection
536 (13) of section 1002.34, Florida Statutes, are amended to read:

537 1002.34 Charter technical career centers.—

538 (10) EXEMPTION FROM STATUTES.—

539 (c) A center must comply with the antidiscrimination
540 provisions in s. 1000.05 and the provisions in s. 1002.33(23) ~~s.~~
541 ~~1002.33(24)~~ which relate to the employment of relatives.

542 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
543 of a center may decide matters relating to the operation of the
544 school, including budgeting, curriculum, and operating
545 procedures, subject to the center's charter. The board of
546 directors is responsible for performing the duties provided in
547 s. 1002.345, including monitoring the corrective action plan.
548 The board of directors must comply with s. 1002.33(25) ~~s.~~
549 ~~1002.33(26)~~.

550 Section 6. Subsection (2) of section 1011.71, Florida

551 Statutes, is amended to read:

552 1011.71 District school tax.—

553 (2) In addition to the maximum millage levy as provided in
554 subsection (1), each school board may levy not more than 1.5
555 mills against the taxable value for school purposes for ~~charter~~
556 ~~schools pursuant to s. 1013.62(1) and (3) and for~~ district
557 schools to fund:

558 (a) New construction and remodeling projects, as set forth
559 in s. 1013.64(6)(b) and included in the district's educational
560 plant survey pursuant to s. 1013.31, without regard to
561 prioritization, sites and site improvement or expansion to new
562 sites, existing sites, auxiliary facilities, athletic
563 facilities, or ancillary facilities.

564 (b) Maintenance, renovation, and repair of existing school
565 plants or of leased facilities to correct deficiencies pursuant
566 to s. 1013.15(2).

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

569 (d) The purchase, lease-purchase, or lease of new and
570 replacement equipment; computer and device hardware and
571 operating system software necessary for gaining access to or
572 enhancing the use of electronic and digital instructional
573 content and resources; and enterprise resource software
574 applications that are classified as capital assets in accordance
575 with definitions of the Governmental Accounting Standards Board,

576 have a useful life of at least 5 years, and are used to support
577 districtwide administration or state-mandated reporting
578 requirements. Enterprise resource software may be acquired by
579 annual license fees, maintenance fees, or lease agreements.

580 (e) Payments for educational facilities and sites due
581 under a lease-purchase agreement entered into by a district
582 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
583 exceeding, in the aggregate, an amount equal to three-fourths of
584 the proceeds from the millage levied by a district school board
585 pursuant to this subsection. The three-fourths limit is waived
586 for lease-purchase agreements entered into before June 30, 2009,
587 by a district school board pursuant to this paragraph. If
588 payments under lease-purchase agreements in the aggregate,
589 including lease-purchase agreements entered into before June 30,
590 2009, exceed three-fourths of the proceeds from the millage
591 levied pursuant to this subsection, the district school board
592 may not withhold the administrative fees authorized by s.
593 1002.33(19) ~~s. 1002.33(20)~~ from any charter school operating in
594 the school district.

595 (f) Payment of loans approved pursuant to ss. 1011.14 and
596 1011.15.

597 (g) Payment of costs directly related to complying with
598 state and federal environmental statutes, rules, and regulations
599 governing school facilities.

600 (h) Payment of costs of leasing relocatable educational

601 facilities, of renting or leasing educational facilities and
602 sites pursuant to s. 1013.15(2), or of renting or leasing
603 buildings or space within existing buildings pursuant to s.
604 1013.15(4).

605 (i) Payment of the cost of school buses when a school
606 district contracts with a private entity to provide student
607 transportation services if the district meets the requirements
608 of this paragraph.

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

613 2. Each such school bus must be used for the daily
614 transportation of public school students in the manner required
615 by the school district.

616 3. Annual payment for each such school bus may not exceed
617 10 percent of the purchase price of the state pool bid.

618 4. The proposed expenditure of the funds for this purpose
619 must have been included in the district school board's notice of
620 proposed tax for school capital outlay as provided in s.
621 200.065(10).

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

624 (k) Payout of sick leave and annual leave accrued as of
625 June 30, 2017, by individuals who are no longer employed by a

626 school district that transfers to a charter school operator all
627 day-to-day classroom instruction responsibility for all full-
628 time equivalent students funded under s. 1011.62. This paragraph
629 expires July 1, 2018.

630 Section 7. Paragraph (c) of subsection (6) of section
631 1013.64, Florida Statutes, is amended to read:

632 1013.64 Funds for comprehensive educational plant needs;
633 construction cost maximums for school district capital
634 projects.—Allocations from the Public Education Capital Outlay
635 and Debt Service Trust Fund to the various boards for capital
636 outlay projects shall be determined as follows:

637 (6)

638 (c) Except as otherwise provided, new construction for
639 which a contract has been executed for architectural and design
640 services or for construction management services by a district
641 school board on or after July 1, 2017, may not exceed the cost
642 per student station as provided in paragraph (b). A school
643 district that exceeds the cost per student station provided in
644 paragraph (b), as determined by the Auditor General, shall be
645 subject to sanctions. If the Auditor General determines that the
646 cost per student station overage is de minimus or due to
647 extraordinary circumstances outside the control of the district,
648 the sanctions shall not apply. The sanctions are as follows:

649 1. The school district shall be ineligible for allocations
650 from the Public Education Capital Outlay and Debt Service Trust

651 Fund for the next 3 years in which the school district would
652 have received allocations had the violation not occurred.

653 2. The school district shall be subject to the supervision
654 of a district capital outlay oversight committee. The oversight
655 committee is authorized to approve all capital outlay
656 expenditures of the school district, including new construction,
657 renovations, and remodeling, for 3 fiscal years following the
658 violation.

659 a. Each oversight committee shall be composed of the
660 following:

661 (I) One appointee of the Commissioner of Education who has
662 significant financial management, school facilities
663 construction, or related experience.

664 (II) One appointee of the office of the state attorney
665 with jurisdiction over the district.

666 (III) One appointee of the Chief Financial Officer who is
667 a licensed certified public accountant.

668 b. An appointee to the oversight committee may not be
669 employed by the school district; be a relative, as defined in s.
670 1002.33(23)(a)2. ~~s. 1002.33(24)(a)2.~~, of any school district
671 employee; or be an elected official. Each appointee must sign an
672 affidavit attesting to these conditions and affirming that no
673 conflict of interest exists in his or her oversight role.

674 Section 8. This act shall take effect July 1, 2019.