A bill to be entitled
An act relating to charter schools; amending s.
1002.33, F.S.; authorizing state universities and
Florida College System institutions to solicit
applications for and sponsor charter schools under
certain circumstances; authorizing a state university
or Florida College System institution to, at its
discretion, deny an application for a charter school;
revising the contents of an annual report that charter
school sponsors must provide to the Department of
Education; revising the date by which the department
must post a specified annual report; revising
provisions relating to Florida College System
institutions that are operating charter schools;
requiring the board of trustees of a state university
or Florida College System institution that is
sponsoring a charter school to serve as the local
educational agency for such school; prohibiting
certain charter school students from being included in
specified school district grade calculations;
requiring the department to develop a sponsor
evaluation framework; providing requirements for the
framework; deleting obsolete language; providing a
calculation for the operational funding for a charter
school sponsored by a state university or Florida
College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; conforming provisions to changes made by the act; amending s. 1003.493, F.S.; authorizing a career and professional academy to be offered by a charter school; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2), subsection (5), paragraph (b) of subsection (6), paragraphs (a) and (d) of subsection (7), paragraphs (d) and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraph (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), subsection (17), paragraph (e) of subsection (18), subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—
(2) GUIDING PRINCIPLES; PURPOSE.—
(c) Charter schools may fulfill the following purposes:
1. Create innovative measurement tools.
2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(5) SPONSOR; DUTIES.—
(a) Sponsoring entities.—
1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.
2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.
3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:
   a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving
students from multiple school districts.

b. A Florida College System institution may, upon approval
by the Department of Education, solicit applications and sponsor
a charter school in any county within its service area to meet
workforce demands and may offer postsecondary programs leading
to industry certifications to eligible charter school students.
A charter school established under subparagraph (b)4. may not be
sponsored by a Florida College System institution until its
existing charter with the school district expires as provided
under subsection (7).

c. Notwithstanding subsection (6)(b), a state university
or Florida College System institution may, at its discretion,
deny an application for a charter school.

(b) Sponsor duties.—

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

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

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

d. The sponsor shall not apply its policies to a charter

CODING: Words stricken are deletions; words underlined are additions.
school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

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

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

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

i. The sponsor's duties to monitor the charter school shall not constitute the basis for a private cause of action.
The sponsor shall not impose additional reporting requirements on a charter school without providing reasonable and specific justification in writing to the charter school.

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

(I) The report shall include the following information:
   (A) The number of draft applications received on or before May 1 and each applicant's contact information.
   (B) The number of final applications received on or before February-August 1 and each applicant's contact information.
   (C) The date each application was approved, denied, or withdrawn.
   (D) The date each final contract was executed.

(II) Annually, by November 1 Beginning August 31, 2013, and each year thereafter, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor district, and post the report on its website by January 15 November 1 of each year.

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

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

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate no more than one charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time
deadlines outlined in subsection (6) and may be approved by the
district school board at any time during the year. Florida
College System institutions may not report FTE for any students
participating under this subparagraph who receive FTE funding
through the Florida Education Finance Program.

5. A school district may enter into nonexclusive
interlocal agreements with federal and state agencies, counties,
municipalities, and other governmental entities that operate
within the geographical borders of the school district to act on
behalf of such governmental entities in the inspection,
issuance, and other necessary activities for all necessary
permits, licenses, and other permissions that a charter school
needs in order for development, construction, or operation. A
charter school may use, but may not be required to use, a school
district for these services. The interlocal agreement must
include, but need not be limited to, the identification of fees
that charter schools will be charged for such services. The fees
must consist of the governmental entity's fees plus a fee for
the school district to recover no more than actual costs for
providing such services. These services and fees are not
included within the services to be provided pursuant to
subsection (20).

6. The board of trustees of a sponsoring state university
or Florida College System institution under paragraph (a) is the
local educational agency for all charter schools it sponsors for
purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) Sponsor accountability.—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorizing and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorizing.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results, by sponsor, and include the results in the report required under sub-sub-subparagraph (b)1.k.(III).

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:
(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district’s next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses.

Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district’s school year, or to be opened at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind.

Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive
corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline.

In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

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

b. An application submitted by a high-performing charter
school identified pursuant to s. 1002.331 or a high-performing
charter school system identified pursuant to s. 1002.332 may be
denied by the sponsor only if the sponsor demonstrates by clear
and convincing evidence that:

(I) The application of a high-performing charter school
does not materially comply with the requirements in paragraph
(a) or, for a high-performing charter school system, the
application does not materially comply with s. 1002.332(2)(b);

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

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

(IV) The applicant has made a material misrepresentation
or false statement or concealed an essential or material fact
(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

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

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).
4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

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

(a) The charter shall address and criteria for approval of the charter shall be based on:

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

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

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

   b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to
provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:
   a. How the baseline student academic achievement levels and prior rates of academic progress will be established.
   b. How these baseline rates will be compared to rates of
academic progress achieved by these same students while
attending the charter school.

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

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

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

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

6. A method for resolving conflicts between the governing
board of the charter school and the sponsor.
7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools in the same school district.

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

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

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the
impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

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

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

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

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

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

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

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

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

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

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—
(d) When a charter is not renewed or is terminated, the
school shall be dissolved under the provisions of law under
which the school was organized, and any unencumbered public
funds, except for capital outlay funds and federal charter
school program grant funds, from the charter school shall revert
to the sponsor. Capital outlay funds provided pursuant to s.
1013.62 and federal charter school program grant funds that are
unencumbered shall revert to the department to be redistributed
among eligible charter schools. In the event a charter school is
dissolved or is otherwise terminated, all sponsor district
school board property and improvements, furnishings, and
equipment purchased with public funds shall automatically revert
to full ownership by the sponsor district school board, subject
to complete satisfaction of any lawful liens or encumbrances.
Any unencumbered public funds from the charter school, district
school board property and improvements, furnishings, and
equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's district school board's request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor district may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor district.

(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must
2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial
statement required in subparagraph 3. must be in a form
prescribed by the Department of Education.

(n) 1. The director and a representative of the governing
board of a charter school that has earned a grade of "D" or "F"
pursuant to s. 1008.34 shall appear before the sponsor to
present information concerning each contract component having
noted deficiencies. The director and a representative of the
governing board shall submit to the sponsor for approval a
school improvement plan to raise student performance. Upon
approval by the sponsor, the charter school shall begin
implementation of the school improvement plan. The department
shall offer technical assistance and training to the charter
school and its governing board and establish guidelines for
developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades
below a "C," the charter school governing board shall choose one
of the following corrective actions:

   (I) Contract for educational services to be provided
directly to students, instructional personnel, and school
administrators, as prescribed in state board rule;

   (II) Contract with an outside entity that has a
demonstrated record of effectiveness to operate the school;

   (III) Reorganize the school under a new director or
principal who is authorized to hire new staff; or

   (IV) Voluntarily close the charter school.
b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the
existing corrective action. Notwithstanding this sub-
subparagraph, a charter school that earns a second consecutive
grade of "F" while implementing a corrective action is subject
to subparagraph 3.

3. A charter school's charter contract is automatically
terminated if the school earns two consecutive grades of "F"
after all school grade appeals are final unless:

a. The charter school is established to turn around the
performance of a district public school pursuant to s.
1008.33(4)(b)2. Such charter schools shall be governed by s.
1008.33;

b. The charter school serves a student population the
majority of which resides in a school zone served by a district
public school subject to s. 1008.33(4) and the charter school
earns at least a grade of "D" in its third year of operation.
The exception provided under this sub-subparagraph does not
apply to a charter school in its fourth year of operation and
thereafter; or

c. The state board grants the charter school a waiver of
termination. The charter school must request the waiver within
15 days after the department's official release of school
grades. The state board may waive termination if the charter
school demonstrates that the Learning Gains of its students on
statewide assessments are comparable to or better than the
Learning Gains of similarly situated students enrolled in nearby
district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.–c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—
(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

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

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

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

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.
6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

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

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor school district shall indemnify the state and the sponsor school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor school district but are obligations of the charter school.
authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the sponsor school district shall not be pledged and no debts shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a sponsor district school board pursuant to this section.

(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.—

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. When a municipality has submitted charter applications for the establishment of a charter school feeder pattern, consisting of elementary, middle, and senior high schools, and each individual charter application is approved by the sponsor district school board, such schools shall then be designated as one charter school for all purposes listed pursuant to this section. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(17) FUNDING.—Students enrolled in a charter school,
regardless of the sponsorship, shall be funded as if they are in
a basic program or a special program, the same as students
enrolled in other public schools in a the school district.
Funding for a charter lab school shall be as provided in s.
1002.32.

(a) Each charter school shall report its student
enrollment to the sponsor as required in s. 1011.62, and in
accordance with the definitions in s. 1011.61. The sponsor shall
include each charter school's enrollment in the sponsor's
district's report of student enrollment. All charter schools
submitting student record information required by the Department
of Education shall comply with the Department of Education's
guidelines for electronic data formats for such data, and all
sponsors districts shall accept electronic data that complies
with the Department of Education's electronic format.

(b) The basis for the agreement for funding students
enrolled in a charter school shall be the sum of the school
district's operating funds from the Florida Education Finance
Program as provided in s. 1011.62 and the General Appropriations
Act, including gross state and local funds, discretionary
lottery funds, and funds from the school district's current
operating discretionary millage levy; divided by total funded
weighted full-time equivalent students in the school district;
and multiplied by the weighted full-time equivalent students for
the charter school. Charter schools whose students or programs
meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school
district in which the school is located as provided in s. 826
1011.62 and the General Appropriations Act, including gross
827 state and local funds, discretionary lottery funds, and funds
828 from each school district's current operating discretionary
829 millage levy; divided by total funded weighted full-time
830 equivalent students in the district; and multiplied by the full-
831 time equivalent membership of the charter school. The Department
832 of Education shall develop a tool that each state university or
833 Florida College System institution sponsoring a charter school
834 shall use for purposes of calculating the funding amount for
835 each eligible charter school student. The total amount obtained
836 from the calculation must be appropriated from state funds in
837 the General Appropriations Act to the charter school.
838 b. Capital outlay funding for a charter school sponsored
839 by a state university or Florida College System institution
840 pursuant to paragraph (5)(a) is determined pursuant to s.
842 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
843 schools shall receive all federal funding for which the school
844 is otherwise eligible, including Title I funding, not later than
845 5 months after the charter school first opens and within 5
846 months after any subsequent expansion of enrollment. Unless
847 otherwise mutually agreed to by the charter school and its
848 sponsor, and consistent with state and federal rules and
849 regulations governing the use and disbursement of federal funds,
the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and...
shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

(e) Sponsors District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor's district school board's fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein.

For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor district school board shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in
adjusting the amount of funds distributed monthly to the charter
school for the remainder of the fiscal year. The payments shall
be issued no later than 10 working days after the sponsor
district school board receives a distribution of state or
federal funds or the date the payment is due pursuant to this
subsection. If a warrant for payment is not issued within 10
working days after receipt of funding by the sponsor district
school board, the sponsor school district shall pay to the
charter school, in addition to the amount of the scheduled
disbursement, interest at a rate of 1 percent per month
calculated on a daily basis on the unpaid balance from the
expiration of the 10 working days until such time as the warrant
is issued. The district school board may not delay payment to a
charter school of any portion of the funds provided in paragraph
(b) based on the timing of receipt of local funds by the
district school board.

(f) Funding for a virtual charter school shall be as
provided in s. 1002.45(7).

(g) To be eligible for public education capital outlay
(PECO) funds, a charter school must be located in the State of
Florida.

(h) A charter school that implements a schoolwide standard
student attire policy pursuant to s. 1011.78 is eligible to
receive incentive payments.

(18) FACILITIES.–
(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor school district may not sell or dispose of such property without written permission of the sponsor school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(20) SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services
under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor school district at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district.

2. A sponsor may withhold an administrative fee for the

CODING: Words stricken are deletions; words underlined are additions.
provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:
   (I) Enrollment of up to and including 250 students in a charter school as defined in this section.
   (II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:
      (A) Includes conversion charter schools and nonconversion charter schools.
      (B) Has all of its schools located in the same county.
      (C) Has a total enrollment exceeding the total enrollment of at least one school district in the state.
      (D) Has the same governing board for all of its schools.
      (E) Does not contract with a for-profit service provider for management of school operations.
   (III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.
3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

(b) If goods and services are made available to the charter school through the contract with the sponsor school district, they shall be provided to the charter school at a rate no greater than the sponsor's district's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, sponsors school districts shall
allow charter schools to participate in the sponsor's bulk
purchasing program if applicable.

(c) Transportation of charter school students shall be
provided by the charter school consistent with the requirements
of subpart I.E. of chapter 1006 and s. 1012.45. The governing
body of the charter school may provide transportation through an
agreement or contract with the sponsor district school board, a
private provider, or parents. The charter school and the sponsor
shall cooperate in making arrangements that ensure that
transportation is not a barrier to equal access for all students
residing within a reasonable distance of the charter school as
determined in its charter.

(d) Each charter school shall annually complete and submit
a survey, provided in a format specified by the Department of
Education, to rate the timeliness and quality of services
provided by the sponsor district in accordance with this
section. The department shall compile the results, by sponsor
district, and include the results in the report required under
sub-sub-subparagraph (5)(b)1.k.(III).

21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

(a) The Department of Education shall provide information
to the public, directly and through sponsors, on how to form and
operate a charter school and how to enroll in a charter school
once it is created. This information shall include the standard
application form, standard charter contract, standard evaluation
instrument, and standard charter renewal contract, which shall
include the information specified in subsection (7) and shall be
developed by consulting and negotiating with both sponsors
school districts and charter schools before implementation. The
charter and charter renewal contracts shall be used by charter
school sponsors.

(b)1. The Department of Education shall report to each
charter school receiving a school grade pursuant to s. 1008.34
or a school improvement rating pursuant to s. 1008.341 the
school's student assessment data.

2. The charter school shall report the information in
subparagraph 1. to each parent of a student at the charter
school, the parent of a child on a waiting list for the charter
school, the sponsor district in which the charter school is
located, and the governing board of the charter school. This
paragraph does not abrogate the provisions of s. 1002.22,
relating to student records, or the requirements of 20 U.S.C. s.
1232g, the Family Educational Rights and Privacy Act.

(25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
SCHOOL SYSTEMS.—

(a) A charter school system's governing board shall be
designated a local educational agency for the purpose of
receiving federal funds, the same as though the charter school
system were a school district, if the governing board of the
charter school system has adopted and filed a resolution with
its sponsor sponsoring district school board and the Department of Education in which the governing board of the charter school system accepts the full responsibility for all local education agency requirements and the charter school system meets all of the following:

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of at least one school district in the state; and
3. Has the same governing board.

Such designation does not apply to other provisions unless specifically provided in law.

(28) RULEMAKING.—The Department of Education, after consultation with sponsors school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, and standard charter and charter renewal contracts in accordance with this section.

Section 2. Paragraph (a) of subsection (1) of section
1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(1)(a) A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies shall be offered by public schools and school districts. Career and professional academies may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 3. This act shall take effect July 1, 2020.