

1 A bill to be entitled
2 An act relating to charter schools; amending s. 1002.33,
3 F.S.; removing a requirement that certain individuals
4 participate in training prior to the filing of a charter
5 school application; correcting cross-references to high
6 school graduation requirements; revising provisions
7 related to charter terms and charter renewals; providing
8 definitions; providing requirements for designation as a
9 high-performing charter school; authorizing a high-
10 performing charter school to increase enrollment and
11 receive capital outlay funds; authorizing a newly approved
12 charter school operated by a high-performing education
13 service provider to receive a 15-year initial charter and
14 become a high-performing charter school; revising
15 requirements for providing financial statements to a
16 sponsor; authorizing a governing board to oversee multiple
17 charter schools; deleting obsolete provisions; authorizing
18 preference for enrollment in a charter school-in-the
19 workplace and a charter school-in-a-municipality for
20 certain students; prohibiting school districts from
21 requiring resignations from specified school district
22 personnel who desire employment in a charter school;
23 authorizing nonprofit organizations to operate multiple
24 charter schools as a network of affiliated schools to form
25 cooperative charter school organizations; revising
26 requirements for the establishment of a charter school-in-
27 the-workplace; providing that a charter school-in-the-
28 workplace is eligible for capital outlay funding if it

29 | meets specified requirements; providing that charter
 30 | schools shall receive certain federal funding for which
 31 | they are eligible; revising provisions relating to charter
 32 | school compliance with building codes and requirements;
 33 | providing for an exemption from exactions; deleting
 34 | provisions authorizing a charter school to appeal disputes
 35 | over certain contracted services or contractual matters to
 36 | the Charter School Appeal Commission; removing a reporting
 37 | requirement relating to student assessment data; revising
 38 | restrictions on the employment of relatives by charter
 39 | school personnel; providing an exception; correcting a
 40 | cross-reference relating to the disclosure of financial
 41 | interests; conforming cross-references; amending s.
 42 | 1013.62, F.S.; authorizing additional uses for charter
 43 | school capital outlay funds; conforming cross-references;
 44 | amending ss. 163.3180, 1002.32, 1002.34, 1002.345,
 45 | 1011.68, and 1012.32, F.S.; conforming cross-references
 46 | and provisions; requiring the Office of Program Policy
 47 | Analysis and Government Accountability to conduct a study
 48 | comparing the funding of charter schools with traditional
 49 | public schools and examining certain funding and costs;
 50 | requiring recommendations to the Governor and Legislature,
 51 | if warranted, for improving the accountability and equity
 52 | of the funding system for charter schools; providing an
 53 | effective date.

54 |
 55 | Be It Enacted by the Legislature of the State of Florida:
 56 |

57 Section 1. Paragraph (g) of subsection (6) and subsection
 58 (7) of section 1002.33, Florida Statutes, are amended, a new
 59 subsection (8) is added to that section, and present subsections
 60 (8) through (26) are renumbered as subsections (9) through (27),
 61 respectively, and amended, to read:

62 1002.33 Charter schools.—

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

65 (g)1. The Department of Education shall offer or arrange
 66 for training and technical assistance to charter school
 67 applicants in developing business plans and estimating costs and
 68 income. This assistance shall address estimating startup costs,
 69 projecting enrollment, and identifying the types and amounts of
 70 state and federal financial assistance the charter school may be
 71 eligible to receive. The department may provide other technical
 72 assistance to an applicant upon written request.

73 2. A charter school applicant must participate in the
 74 training provided by the Department of Education before filing
 75 an application. However, a sponsor may require the charter
 76 school applicant to attend training provided by the sponsor in
 77 lieu of the department's training if the sponsor's training
 78 standards meet or exceed the standards developed by the
 79 Department of Education. The training shall include instruction
 80 in accurate financial planning and good business practices. ~~If~~
 81 ~~the applicant is a management company or other nonprofit~~
 82 ~~organization, the charter school principal and the chief~~
 83 ~~financial officer or his or her equivalent must also participate~~
 84 ~~in the training.~~

85 (7) CHARTER.—The major issues involving the operation of a
86 charter school shall be considered in advance and written into
87 the charter. The charter shall be signed by the governing body
88 of the charter school and the sponsor, following a public
89 hearing to ensure community input.

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

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

94 2. The focus of the curriculum, the instructional methods
95 to be used, any distinctive instructional techniques to be
96 employed, and identification and acquisition of appropriate
97 technologies needed to improve educational and administrative
98 performance which include a means for promoting safe, ethical,
99 and appropriate uses of technology which comply with legal and
100 professional standards. The charter shall ensure that reading is
101 a primary focus of the curriculum and that resources are
102 provided to identify and provide specialized instruction for
103 students who are reading below grade level. The curriculum and
104 instructional strategies for reading must be consistent with the
105 Sunshine State Standards and grounded in scientifically based
106 reading research.

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

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

113 b. How these baseline rates will be compared to rates of
 114 academic progress achieved by these same students while
 115 attending the charter school.

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

119
 120 The district school board is required to provide academic
 121 student performance data to charter schools for each of their
 122 students coming from the district school system, as well as
 123 rates of academic progress of comparable student populations in
 124 the district school system.

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

134 5. In secondary charter schools, a method for determining
 135 that a student has satisfied the requirements for graduation in
 136 s. 1003.428, s. 1003.429, or s. 1003.43.

137 6. A method for resolving conflicts between the governing
 138 body of the charter school and the sponsor.

139 7. The admissions procedures and dismissal procedures,
 140 including the school's code of student conduct.

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

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

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

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

169 coverage.

170 12. The term of the charter which shall provide for
 171 cancellation of the charter if insufficient progress has been
 172 made in attaining the student achievement objectives of the
 173 charter and if it is not likely that such objectives can be
 174 achieved before expiration of the charter. The initial term of a
 175 charter shall be for 4 or 5 years. ~~In order to facilitate access~~
 176 ~~to long-term financial resources for charter school~~
 177 ~~construction,~~ Charter schools that are operated by a private,
 178 not-for-profit, s. 501(c)(3) status corporation or a
 179 municipality or other public entity as provided by law are
 180 eligible for up to a 15-year charter, subject to approval by the
 181 district school board. A charter lab school is eligible for a
 182 charter for a term of up to 15 years. ~~In addition, to facilitate~~
 183 ~~access to long-term financial resources for charter school~~
 184 ~~construction, charter schools that are operated by a private,~~
 185 ~~not-for-profit, s. 501(c)(3) status corporation are eligible for~~
 186 ~~up to a 15-year charter, subject to approval by the district~~
 187 ~~school board.~~ Such long-term charters remain subject to annual
 188 review and may be terminated during the term of the charter, but
 189 only according to the provisions set forth in subsection (9)
 190 ~~(8).~~

191 13. The facilities to be used and their location.

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

195 15. The governance structure of the school, including the
 196 status of the charter school as a public or private employer as

197 required in paragraph (13)~~(12)~~(i).

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

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

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

225 (b)1. A charter may be renewed provided that a program
 226 review demonstrates that the criteria in paragraph (a) have been
 227 successfully accomplished and that none of the grounds for
 228 nonrenewal established by paragraph (9)~~(8)~~(a) has been
 229 documented. ~~In order to facilitate long-term financing for~~
 230 ~~charter school construction,~~ Charter schools operating for a
 231 minimum of 3 years and demonstrating exemplary academic
 232 programming and fiscal management are eligible for a 15-year
 233 charter renewal. Such long-term charter is subject to annual
 234 review and may be terminated during the term of the charter
 235 pursuant to subsection (9).

236 2. The 15-year charter renewal that may be granted
 237 pursuant to subparagraph 1. shall be granted to a charter school
 238 that has received a school grade of "A" or "B" pursuant to s.
 239 1008.34 in 3 of the past 4 years and is not in a state of
 240 financial emergency or deficit position pursuant to s. 1002.345
 241 ~~as defined by this section.~~ Such long-term charter is subject to
 242 annual review and may be terminated during the term of the
 243 charter pursuant to subsection (9) ~~(8)~~.

244 (c) A charter may be modified during its initial term or
 245 any renewal term upon the recommendation of the sponsor or the
 246 charter school governing board and the approval of both parties
 247 to the agreement.

248 (8) HIGH-PERFORMING CHARTER SCHOOLS.—

249 (a) For purposes of this subsection, the term:

250 1. "Entity" means a municipality or other public entity as
 251 authorized by law to operate a charter school; a private, not-
 252 for-profit, s. 501(c)(3) status corporation; or a private, for-

253 profit corporation.

254 2. "High-performing education service provider" means an
 255 entity that:

256 a. Operates at least two high-performing charter schools
 257 in this state;

258 b. Has received a school grade of "A" or "B" during the
 259 previous 3 years for at least 75 percent of the charter schools
 260 operated by the entity in this state; and

261 c. Has not received a school grade of "F" during any of
 262 the previous 3 years for any charter school operated by the
 263 entity in this state.

264 (b) A charter school shall be designated as a high-
 265 performing charter school if during each of the previous 3 years
 266 the charter school:

267 1. Received a school grade of "A" or "B";

268 2. Received an unqualified opinion on each financial audit
 269 required under s. 218.39; and

270 3. Did not receive a financial audit that revealed one or
 271 more of the conditions set forth in s. 218.503(1).

272 (c) A high-performing charter school may:

273 1. Increase the school's student enrollment once per year
 274 by up to 25 percent more than the capacity authorized pursuant
 275 to paragraph (11) (h).

276 2. Receive charter school capital outlay funds under s.
 277 1013.62. A high-performing charter school is not required to
 278 comply with s. 1013.62(1) (a)1.-3. but must comply with all other
 279 requirements of s. 1013.62 in order to receive charter school
 280 capital outlay funds as provided in this subparagraph.

281 (d) A high-performing education service provider may
 282 submit an application pursuant to subsection (6) to establish
 283 and operate a new charter school that will replicate one or more
 284 of the provider's existing high-performing charter schools. Upon
 285 approval of the application by the sponsor, the new charter
 286 school shall be granted an initial charter for a term of 15
 287 years and designated as a high-performing charter school. The
 288 15-year charter is subject to annual review and may be
 289 terminated during its term pursuant to subsection (9).

290 (e)1. A charter school that is designated as a high-
 291 performing charter school may retain such designation pursuant
 292 to:

293 a. Paragraph (b) if the school's governing board, by July
 294 1 of each year, demonstrates in writing to the school's sponsor
 295 that the charter school continues to meet the requirements of
 296 paragraph (b).

297 b. Paragraph (d) during the school's initial 3 years of
 298 operation if the entity operating the school continues to meet
 299 the definition of a high-performing education service provider
 300 under subparagraph (a)2. After the high-performing charter
 301 school has operated for 3 years, the school must comply with
 302 sub-subparagraph a. in order to retain its designation as a
 303 high-performing charter school.

304 2. The high-performing charter school designation shall be
 305 removed if the charter school does meet the requirements of
 306 subparagraph 1.

307 (9) ~~(8)~~ CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

308 (a) The sponsor may choose not to renew or may terminate

309 the charter for any of the following grounds:

310 1. Failure to participate in the state's education
 311 accountability system created in s. 1008.31, as required in this
 312 section, or failure to meet the requirements for student
 313 performance stated in the charter.

314 2. Failure to meet generally accepted standards of fiscal
 315 management.

316 3. Violation of law.

317 4. Other good cause shown.

318 (b) At least 90 days prior to renewing or terminating a
 319 charter, the sponsor shall notify the governing body of the
 320 school of the proposed action in writing. The notice shall state
 321 in reasonable detail the grounds for the proposed action and
 322 stipulate that the school's governing body may, within 14
 323 calendar days after receiving the notice, request an informal
 324 hearing before the sponsor. The sponsor shall conduct the
 325 informal hearing within 30 calendar days after receiving a
 326 written request.

327 (c) If a charter is not renewed or is terminated pursuant
 328 to paragraph (b), the sponsor shall, within 10 calendar days,
 329 articulate in writing the specific reasons for its nonrenewal or
 330 termination of the charter and must provide the letter of
 331 nonrenewal or termination and documentation supporting the
 332 reasons to the charter school governing body, the charter school
 333 principal, and the Department of Education. The charter school's
 334 governing body may, within 30 calendar days after receiving the
 335 sponsor's final written decision to refuse to renew or to
 336 terminate the charter, appeal the decision pursuant to the

337 procedure established in subsection (6).

338 (d) A charter may be terminated immediately if the sponsor
 339 determines that good cause has been shown or if the health,
 340 safety, or welfare of the students is threatened. The sponsor's
 341 determination is not subject to an informal hearing under
 342 paragraph (b) or pursuant to chapter 120. The sponsor shall
 343 notify in writing the charter school's governing body, the
 344 charter school principal, and the department if a charter is
 345 immediately terminated. The sponsor shall clearly identify the
 346 specific issues that resulted in the immediate termination and
 347 provide evidence of prior notification of issues resulting in
 348 the immediate termination when appropriate. The school district
 349 in which the charter school is located shall assume operation of
 350 the school under these circumstances. The charter school's
 351 governing board may, within 30 days after receiving the
 352 sponsor's decision to terminate the charter, appeal the decision
 353 pursuant to the procedure established in subsection (6).

354 (e) When a charter is not renewed or is terminated, the
 355 school shall be dissolved under the provisions of law under
 356 which the school was organized, and any unencumbered public
 357 funds, except for capital outlay funds and federal charter
 358 school program grant funds, from the charter school shall revert
 359 to the sponsor. Capital outlay funds provided pursuant to s.
 360 1013.62 and federal charter school program grant funds that are
 361 unencumbered shall revert to the department to be redistributed
 362 among eligible charter schools. In the event a charter school is
 363 dissolved or is otherwise terminated, all district school board
 364 property and improvements, furnishings, and equipment purchased

365 with public funds shall automatically revert to full ownership
 366 by the district school board, subject to complete satisfaction
 367 of any lawful liens or encumbrances. Any unencumbered public
 368 funds from the charter school, district school board property
 369 and improvements, furnishings, and equipment purchased with
 370 public funds, or financial or other records pertaining to the
 371 charter school, in the possession of any person, entity, or
 372 holding company, other than the charter school, shall be held in
 373 trust upon the district school board's request, until any appeal
 374 status is resolved.

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

383 (g) If a charter is not renewed or is terminated, a
 384 student who attended the school may apply to, and shall be
 385 enrolled in, another public school. Normal application deadlines
 386 shall be disregarded under such circumstances.

387 (10)~~(9)~~ CHARTER SCHOOL REQUIREMENTS.-

388 (a) A charter school shall be nonsectarian in its
 389 programs, admission policies, employment practices, and
 390 operations.

391 (b) A charter school shall admit students as provided in
 392 subsection (11) ~~(10)~~.

393 (c) A charter school shall be accountable to its sponsor
 394 for performance as provided in subsection (7).

395 (d) A charter school shall not charge tuition or
 396 registration fees, except those fees normally charged by other
 397 public schools. However, a charter lab school may charge a
 398 student activity and service fee as authorized by s. 1002.32(5).

399 (e) A charter school shall meet all applicable state and
 400 local health, safety, and civil rights requirements.

401 (f) A charter school shall not violate the
 402 antidiscrimination provisions of s. 1000.05.

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

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

411 2. At the discretion of the charter school governing
 412 board, a charter school may elect to follow generally accepted
 413 accounting standards for not-for-profit organizations, but must
 414 reformat this information for reporting according to this
 415 paragraph.

416
 417 Charter schools shall provide annual financial report and
 418 program cost report information in the state-required formats
 419 for inclusion in district reporting in compliance with s.
 420 1011.60(1). Charter schools that are operated by a municipality

421 or are a component unit of a parent nonprofit organization may
 422 use the accounting system of the municipality or the parent but
 423 must reformat this information for reporting according to this
 424 paragraph. A charter school shall provide a quarterly ~~monthly~~
 425 financial statement to the sponsor unless a deteriorating
 426 financial condition has been identified or the charter school is
 427 determined to be in a state of financial emergency pursuant to
 428 s. 1002.345, in which case the charter school shall provide a
 429 monthly financial statement. The ~~monthly~~ financial statement
 430 required under this paragraph shall be in a form prescribed by
 431 the Department of Education.

432 (h) The governing board of the charter school shall
 433 annually adopt and maintain an operating budget.

434 (i) The governing body of the charter school shall
 435 exercise continuing oversight over charter school operations. A
 436 governing body may oversee more than one charter school in more
 437 than one school district.

438 (j) The governing body of the charter school shall be
 439 responsible for:

440 1. Ensuring that the charter school has retained the
 441 services of a certified public accountant or auditor for the
 442 annual financial audit, pursuant to s. 1002.345(2), who shall
 443 submit the report to the governing body.

444 2. Reviewing and approving the audit report, including
 445 audit findings and recommendations for the financial recovery
 446 plan.

447 3.a. Performing the duties in s. 1002.345, including
 448 monitoring a corrective action plan.

449 b. Monitoring a financial recovery plan in order to ensure
450 compliance.

451 4. Participating in governance training approved by the
452 department which must include government in the sunshine,
453 conflicts of interest, ethics, and financial responsibility.

454 (k) The governing body of the charter school shall report
455 its progress annually to its sponsor, which shall forward the
456 report to the Commissioner of Education at the same time as
457 other annual school accountability reports. The Department of
458 Education shall develop a uniform, online annual accountability
459 report to be completed by charter schools. This report shall be
460 easy to utilize and contain demographic information, student
461 performance data, and financial accountability information. A
462 charter school shall not be required to provide information and
463 data that is duplicative and already in the possession of the
464 department. The Department of Education shall include in its
465 compilation a notation if a school failed to file its report by
466 the deadline established by the department. The report shall
467 include at least the following components:

468 1. Student achievement performance data, including the
469 information required for the annual school report and the
470 education accountability system governed by ss. 1008.31 and
471 1008.345. Charter schools are subject to the same accountability
472 requirements as other public schools, including reports of
473 student achievement information that links baseline student data
474 to the school's performance projections identified in the
475 charter. The charter school shall identify reasons for any
476 difference between projected and actual student performance.

477 2. Financial status of the charter school which must
 478 include revenues and expenditures at a level of detail that
 479 allows for analysis of the charter school's ability to meet
 480 financial obligations and timely repayment of debt.

481 3. Documentation of the facilities in current use and any
 482 planned facilities for use by the charter school for instruction
 483 of students, administrative functions, or investment purposes.

484 4. Descriptive information about the charter school's
 485 personnel, including salary and benefit levels of charter school
 486 employees, the proportion of instructional personnel who hold
 487 professional or temporary certificates, and the proportion of
 488 instructional personnel teaching in-field or out-of-field.

489 (1) A charter school shall not levy taxes or issue bonds
 490 secured by tax revenues.

491 (m) A charter school shall provide instruction for at
 492 least the number of days required by law for other public
 493 schools and may provide instruction for additional days.

494 (n) The director and a representative of the governing
 495 body of a charter school that has received a school grade of "D"
 496 under s. 1008.34(2) shall appear before the sponsor or the
 497 sponsor's staff at least once a year to present information
 498 concerning each contract component having noted deficiencies.
 499 The sponsor shall communicate at the meeting, and in writing to
 500 the director, the services provided to the school to help the
 501 school address its deficiencies.

502 (o) Upon notification that a charter school receives a
 503 school grade of "D" for 2 consecutive years or a school grade of
 504 "F" under s. 1008.34(2), the charter school sponsor or the

505 sponsor's staff shall require the director and a representative
506 of the governing body to submit to the sponsor for approval a
507 school improvement plan to raise student achievement and to
508 implement the plan. The sponsor has the authority to approve a
509 school improvement plan that the charter school will implement
510 in the following school year. ~~The sponsor may also consider the~~
511 ~~State Board of Education's recommended action pursuant to s.~~
512 ~~1008.33(1) as part of the school improvement plan.~~ The
513 Department of Education shall offer technical assistance and
514 training to the charter school and its governing body and
515 establish guidelines for developing, submitting, and approving
516 such plans.

517 1. If the charter school fails to improve its student
518 performance from the year immediately prior to the
519 implementation of the school improvement plan, the sponsor shall
520 place the charter school on probation and shall require the
521 charter school governing body to take one of the following
522 corrective actions:

523 a. Contract for the educational services of the charter
524 school;

525 b. Reorganize the school at the end of the school year
526 under a new director or principal who is authorized to hire new
527 staff and implement a plan that addresses the causes of
528 inadequate progress; or

529 c. Reconstitute the charter school.

530 2. A charter school that is placed on probation shall
531 continue the corrective actions required under subparagraph 1.
532 until the charter school improves its student performance from

533 the year prior to the implementation of the school improvement
534 plan.

535 3. Notwithstanding any provision of this paragraph, the
536 sponsor may terminate the charter at any time pursuant to
537 subsection (9) ~~(8)~~.

538 (p) The director and a representative of the governing
539 body of a graded charter school that has submitted a school
540 improvement plan or has been placed on probation under paragraph
541 (o) shall appear before the sponsor or the sponsor's staff at
542 least once a year to present information regarding the
543 corrective strategies that are being implemented by the school
544 pursuant to the school improvement plan. The sponsor shall
545 communicate at the meeting, and in writing to the director, the
546 services provided to the school to help the school address its
547 deficiencies.

548 (11) ~~(10)~~ ELIGIBLE STUDENTS.—

549 (a) A charter school shall be open to any student covered
550 in an interdistrict agreement or residing in the school district
551 in which the charter school is located; however, in the case of
552 a charter lab school, the charter lab school shall be open to
553 any student eligible to attend the lab school as provided in s.
554 1002.32 or who resides in the school district in which the
555 charter lab school is located. Any eligible student shall be
556 allowed interdistrict transfer to attend a charter school when
557 based on good cause. Good cause shall include, but is not
558 limited to, geographic proximity to a charter school in a
559 neighboring school district.

560 (b) The charter school shall enroll an eligible student

561 | who submits a timely application, unless the number of
 562 | applications exceeds the capacity of a program, class, grade
 563 | level, or building. In such case, all applicants shall have an
 564 | equal chance of being admitted through a random selection
 565 | process.

566 | (c) When a public school converts to charter status,
 567 | enrollment preference shall be given to students who would have
 568 | otherwise attended that public school. The district school board
 569 | shall consult and negotiate with the conversion charter school
 570 | every 3 years to determine whether realignment of the conversion
 571 | charter school's attendance zone is appropriate in order to
 572 | ensure that students residing closest to the charter school are
 573 | provided with an enrollment preference.

574 | (d) A charter school may give enrollment preference to the
 575 | following student populations:

576 | 1. Students who are siblings of a student enrolled in the
 577 | charter school.

578 | 2. Students who are the children of a member of the
 579 | governing board of the charter school.

580 | 3. Students who are the children of an employee of the
 581 | charter school.

582 | 4. Students who are the children of an employee of a
 583 | business or corporation that is in partnership with a charter
 584 | school-in-the-workplace or students who are the children of a
 585 | resident of a municipality that operates a charter school-in-a-
 586 | municipality pursuant to subsection (16).

587 | (e) A charter school may limit the enrollment process only
 588 | to target the following student populations:

- 589 1. Students within specific age groups or grade levels.
- 590 2. Students considered at risk of dropping out of school
- 591 or academic failure. Such students shall include exceptional
- 592 education students.
- 593 3. Students enrolling in a charter school-in-the-workplace
- 594 or charter school-in-a-municipality established pursuant to
- 595 subsection (16) ~~(15)~~.
- 596 4. Students residing within a reasonable distance of the
- 597 charter school, as described in paragraph (21) ~~(20)~~ (c). Such
- 598 students shall be subject to a random lottery and to the
- 599 racial/ethnic balance provisions described in subparagraph
- 600 (7) (a) 8. or any federal provisions that require a school to
- 601 achieve a racial/ethnic balance reflective of the community it
- 602 serves or within the racial/ethnic range of other public schools
- 603 in the same school district.
- 604 5. Students who meet reasonable academic, artistic, or
- 605 other eligibility standards established by the charter school
- 606 and included in the charter school application and charter or,
- 607 in the case of existing charter schools, standards that are
- 608 consistent with the school's mission and purpose. Such standards
- 609 shall be in accordance with current state law and practice in
- 610 public schools and may not discriminate against otherwise
- 611 qualified individuals.
- 612 6. Students articulating from one charter school to
- 613 another pursuant to an articulation agreement between the
- 614 charter schools that has been approved by the sponsor.
- 615 (f) Students with disabilities and students served in
- 616 English for Speakers of Other Languages programs shall have an

617 equal opportunity of being selected for enrollment in a charter
618 school.

619 (g) A student may withdraw from a charter school at any
620 time and enroll in another public school as determined by
621 district school board rule.

622 (h) The capacity of the charter school shall be determined
623 annually by the governing board, in conjunction with the
624 sponsor, of the charter school in consideration of the factors
625 identified in this subsection.

626 (12)~~(11)~~ PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
627 ACTIVITIES.—A charter school student is eligible to participate
628 in an interscholastic extracurricular activity at the public
629 school to which the student would be otherwise assigned to
630 attend pursuant to s. 1006.15(3)(d).

631 (13)~~(12)~~ EMPLOYEES OF CHARTER SCHOOLS.—

632 (a) A charter school shall select its own employees. A
633 charter school may contract with its sponsor for the services of
634 personnel employed by the sponsor.

635 (b) Charter school employees shall have the option to
636 bargain collectively. Employees may collectively bargain as a
637 separate unit or as part of the existing district collective
638 bargaining unit as determined by the structure of the charter
639 school.

640 (c) The employees of a conversion charter school shall
641 remain public employees for all purposes, unless such employees
642 choose not to do so.

643 (d) The teachers at a charter school may choose to be part
644 of a professional group that subcontracts with the charter

645 school to operate the instructional program under the auspices
 646 of a partnership or cooperative that they collectively own.
 647 Under this arrangement, the teachers would not be public
 648 employees.

649 (e) Employees of a school district may take leave to
 650 accept employment in a charter school upon the approval of the
 651 district school board. While employed by the charter school and
 652 on leave that is approved by the district school board, the
 653 employee may retain seniority accrued in that school district
 654 and may continue to be covered by the benefit programs of that
 655 school district, if the charter school and the district school
 656 board agree to this arrangement and its financing. School
 657 districts shall not require resignations from instructional
 658 personnel, school administrators, or educational support
 659 employees who desire employment ~~of teachers desiring to teach~~ in
 660 a charter school. This paragraph shall not prohibit a district
 661 school board from approving alternative leave arrangements
 662 consistent with chapter 1012.

663 (f) Teachers employed by or under contract to a charter
 664 school shall be certified as required by chapter 1012. A charter
 665 school governing board may employ or contract with skilled
 666 selected noncertified personnel to provide instructional
 667 services or to assist instructional staff members as education
 668 paraprofessionals in the same manner as defined in chapter 1012,
 669 and as provided by State Board of Education rule for charter
 670 school governing boards. A charter school may not knowingly
 671 employ an individual to provide instructional services or to
 672 serve as an education paraprofessional if the individual's

673 certification or licensure as an educator is suspended or
674 revoked by this or any other state. A charter school may not
675 knowingly employ an individual who has resigned from a school
676 district in lieu of disciplinary action with respect to child
677 welfare or safety, or who has been dismissed for just cause by
678 any school district with respect to child welfare or safety. The
679 qualifications of teachers shall be disclosed to parents.

680 (g)1. A charter school shall employ or contract with
681 employees who have undergone background screening as provided in
682 s. 1012.32. Members of the governing board of the charter school
683 shall also undergo background screening in a manner similar to
684 that provided in s. 1012.32.

685 2. A charter school shall disqualify instructional
686 personnel and school administrators, as defined in s. 1012.01,
687 from employment in any position that requires direct contact
688 with students if the personnel or administrators are ineligible
689 for such employment under s. 1012.315.

690 3. The governing board of a charter school shall adopt
691 policies establishing standards of ethical conduct for
692 instructional personnel and school administrators. The policies
693 must require all instructional personnel and school
694 administrators, as defined in s. 1012.01, to complete training
695 on the standards; establish the duty of instructional personnel
696 and school administrators to report, and procedures for
697 reporting, alleged misconduct by other instructional personnel
698 and school administrators which affects the health, safety, or
699 welfare of a student; and include an explanation of the
700 liability protections provided under ss. 39.203 and 768.095. A

701 charter school, or any of its employees, may not enter into a
702 confidentiality agreement regarding terminated or dismissed
703 instructional personnel or school administrators, or personnel
704 or administrators who resign in lieu of termination, based in
705 whole or in part on misconduct that affects the health, safety,
706 or welfare of a student, and may not provide instructional
707 personnel or school administrators with employment references or
708 discuss the personnel's or administrators' performance with
709 prospective employers in another educational setting, without
710 disclosing the personnel's or administrators' misconduct. Any
711 part of an agreement or contract that has the purpose or effect
712 of concealing misconduct by instructional personnel or school
713 administrators which affects the health, safety, or welfare of a
714 student is void, is contrary to public policy, and may not be
715 enforced.

716 4. Before employing instructional personnel or school
717 administrators in any position that requires direct contact with
718 students, a charter school shall conduct employment history
719 checks of each of the personnel's or administrators' previous
720 employers, screen the instructional personnel or school
721 administrators through use of the educator screening tools
722 described in s. 1001.10(5), and document the findings. If unable
723 to contact a previous employer, the charter school must document
724 efforts to contact the employer.

725 5. The sponsor of a charter school that knowingly fails to
726 comply with this paragraph shall terminate the charter under
727 subsection (9) ~~(8)~~.

728 (h) For the purposes of tort liability, the governing body

729 and employees of a charter school shall be governed by s.
730 768.28.

731 (i) A charter school shall organize as, or be operated by,
732 a nonprofit organization. A charter school may be operated by a
733 municipality or other public entity as provided for by law. As
734 such, the charter school may be either a private or a public
735 employer. As a public employer, a charter school may participate
736 in the Florida Retirement System upon application and approval
737 as a "covered group" under s. 121.021(34). If a charter school
738 participates in the Florida Retirement System, the charter
739 school employees shall be compulsory members of the Florida
740 Retirement System. As either a private or a public employer, a
741 charter school may contract for services with an individual or
742 group of individuals who are organized as a partnership or a
743 cooperative. Individuals or groups of individuals who contract
744 their services to the charter school are not public employees.

745 (14) ~~(13)~~ CHARTER SCHOOL COOPERATIVES AND NETWORKS.—

746 (a) Charter schools may enter into cooperative agreements
747 to form charter school cooperative organizations that may
748 provide the following services: charter school planning and
749 development, direct instructional services, and contracts with
750 charter school governing boards to provide personnel
751 administrative services, payroll services, human resource
752 management, evaluation and assessment services, teacher
753 preparation, and professional development.

754 (b) A nonprofit organization may operate multiple charter
755 schools approved by a sponsor under this section across the
756 state as a network of affiliated schools that may share a common

757 mission, identity, curricula, and best practices. Such charter
 758 school networks may be operated by a central governing board
 759 that governs all of the charter schools in the network or by a
 760 central governing board that shares governance duties with local
 761 governing boards designated by the central governing board for
 762 one or more of the charter schools in the affiliated network.

763 (15)-(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 764 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 765 TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to
 766 borrow or otherwise secure funds for a charter school authorized
 767 in this section from a source other than the state or a school
 768 district shall indemnify the state and the school district from
 769 any and all liability, including, but not limited to, financial
 770 responsibility for the payment of the principal or interest. Any
 771 loans, bonds, or other financial agreements are not obligations
 772 of the state or the school district but are obligations of the
 773 charter school authority and are payable solely from the sources
 774 of funds pledged by such agreement. The credit or taxing power
 775 of the state or the school district shall not be pledged and no
 776 debts shall be payable out of any moneys except those of the
 777 legal entity in possession of a valid charter approved by a
 778 district school board pursuant to this section.

779 (16)-(15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
 780 SCHOOLS-IN-A-MUNICIPALITY.—

781 (a) In order to increase business partnerships in
 782 education, to reduce school and classroom overcrowding
 783 throughout the state, and to offset the high costs for
 784 educational facilities construction, the Legislature intends to

785 encourage the formation of business partnership schools or
 786 satellite learning centers and municipal-operated schools
 787 through charter school status.

788 (b) A charter school-in-the-workplace may be established
 789 when a business partner:

790 1. Provides one of the following:

791 a. Access to a ~~the~~ school facility to be used;

792 b. Resources that materially reduce the cost of
 793 constructing a school facility;

794 c. Land for a school facility; or

795 d. Resources to maintain a school facility;

796 2. Enrolls students based upon a random lottery that
 797 involves all of the children of employees of that business or
 798 corporation who are seeking enrollment, as provided for in
 799 subsection ~~(11)~~ ~~(10)~~; and

800 3. Enrolls students according to the racial/ethnic balance
 801 provisions described in subparagraph (7) (a)8.

802
 803 A charter school-in-the-workplace is eligible for charter school
 804 capital outlay funding if it meets the requirements in s.

805 1013.62. Any portion of a facility used for a public charter
 806 school shall be exempt from ad valorem taxes, as provided for in
 807 s. 1013.54, for the duration of its use as a public school.

808 (c) A charter school-in-a-municipality designation may be
 809 granted to a municipality that possesses a charter; enrolls
 810 students based upon a random lottery that involves all of the
 811 children of the residents of that municipality who are seeking
 812 enrollment, as provided for in subsection (11) ~~(10)~~; and enrolls

813 students according to the racial/ethnic balance provisions
 814 described in subparagraph (7)(a)8. When a municipality has
 815 submitted charter applications for the establishment of a
 816 charter school feeder pattern, consisting of elementary, middle,
 817 and senior high schools, and each individual charter application
 818 is approved by the district school board, such schools shall
 819 then be designated as one charter school for all purposes listed
 820 pursuant to this section. Any portion of the land and facility
 821 used for a public charter school shall be exempt from ad valorem
 822 taxes, as provided for in s. 1013.54, for the duration of its
 823 use as a public school.

824 (d) As used in this subsection, the terms "business
 825 partner" or "municipality" may include more than one business or
 826 municipality to form a charter school-in-the-workplace or
 827 charter school-in-a-municipality.

828 (17)~~(16)~~ EXEMPTION FROM STATUTES.—

829 (a) A charter school shall operate in accordance with its
 830 charter and shall be exempt from all statutes in chapters 1000-
 831 1013. However, a charter school shall be in compliance with the
 832 following statutes in chapters 1000-1013:

833 1. Those statutes specifically applying to charter
 834 schools, including this section.

835 2. Those statutes pertaining to the student assessment
 836 program and school grading system.

837 3. Those statutes pertaining to the provision of services
 838 to students with disabilities.

839 4. Those statutes pertaining to civil rights, including s.
 840 1000.05, relating to discrimination.

841 5. Those statutes pertaining to student health, safety,
842 and welfare.

843 (b) Additionally, a charter school shall be in compliance
844 with the following statutes:

845 1. Section 286.011, relating to public meetings and
846 records, public inspection, and criminal and civil penalties.

847 2. Chapter 119, relating to public records.

848 (18)~~(17)~~ FUNDING.—Students enrolled in a charter school,
849 regardless of the sponsorship, shall be funded as if they are in
850 a basic program or a special program, the same as students
851 enrolled in other public schools in the school district. Funding
852 for a charter lab school shall be as provided in s. 1002.32.

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

863 (b) The basis for the agreement for funding students
864 enrolled in a charter school shall be the sum of the school
865 district's operating funds from the Florida Education Finance
866 Program as provided in s. 1011.62 and the General Appropriations
867 Act, including gross state and local funds, discretionary
868 lottery funds, and funds from the school district's current

869 operating discretionary millage levy; divided by total funded
 870 weighted full-time equivalent students in the school district;
 871 multiplied by the weighted full-time equivalent students for the
 872 charter school. Charter schools whose students or programs meet
 873 the eligibility criteria in law shall be entitled to their
 874 proportionate share of categorical program funds included in the
 875 total funds available in the Florida Education Finance Program
 876 by the Legislature, including transportation. Total funding for
 877 each charter school shall be recalculated during the year to
 878 reflect the revised calculations under the Florida Education
 879 Finance Program by the state and the actual weighted full-time
 880 equivalent students reported by the charter school during the
 881 full-time equivalent student survey periods designated by the
 882 Commissioner of Education.

883 (c) If the district school board is providing programs or
 884 services to students funded by federal funds, any eligible
 885 students enrolled in charter schools in the school district
 886 shall be provided federal funds for the same level of service
 887 provided students in the schools operated by the district school
 888 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
 889 charter schools shall receive all federal funding for which the
 890 school is otherwise eligible, including Title I and IDEA
 891 funding, not later than 5 months after the charter school first
 892 opens and within 5 months after any subsequent expansion of
 893 enrollment.

894 (d) Charter schools shall be included by the Department of
 895 Education and the district school board in requests for federal
 896 stimulus funds in the same manner as district school board-

897 operated public schools, including Title I and IDEA funds and
898 shall be entitled to receive such funds. Charter schools are
899 eligible to participate in federal competitive grants that are
900 available as part of the federal stimulus funds.

901 (e) District school boards shall make timely and efficient
902 payment and reimbursement to charter schools, including
903 processing paperwork required to access special state and
904 federal funding for which they may be eligible. The district
905 school board may distribute funds to a charter school for up to
906 3 months based on the projected full-time equivalent student
907 membership of the charter school. Thereafter, the results of
908 full-time equivalent student membership surveys shall be used in
909 adjusting the amount of funds distributed monthly to the charter
910 school for the remainder of the fiscal year. The payment shall
911 be issued no later than 10 working days after the district
912 school board receives a distribution of state or federal funds.
913 If a warrant for payment is not issued within 10 working days
914 after receipt of funding by the district school board, the
915 school district shall pay to the charter school, in addition to
916 the amount of the scheduled disbursement, interest at a rate of
917 1 percent per month calculated on a daily basis on the unpaid
918 balance from the expiration of the 10 working days until such
919 time as the warrant is issued.

920 (19)~~(18)~~ FACILITIES.—

921 (a) A startup charter school shall utilize facilities
922 which comply with the Florida Building Code pursuant to chapter
923 553 except for the State Requirements for Educational
924 Facilities. Conversion charter schools shall utilize facilities

925 that comply with the State Requirements for Educational
 926 Facilities provided that the school district and the charter
 927 school have entered into a mutual management plan for the
 928 reasonable maintenance of such facilities. The mutual management
 929 plan shall contain a provision by which the district school
 930 board agrees to maintain charter school facilities in the same
 931 manner as its other public schools within the district. Charter
 932 schools, with the exception of conversion charter schools, are
 933 not required to comply, but may choose to comply, with any or
 934 all components of the State Requirements for Educational
 935 Facilities of the Florida Building Code adopted pursuant to s.
 936 1013.37. The local governing authority shall not adopt or impose
 937 local building requirements or site development restrictions,
 938 such as parking and site-size criteria, that are more stringent
 939 than those found in the State Requirements for Educational
 940 Facilities of the Florida Building Code. The agency having
 941 jurisdiction for inspection of a facility and issuance of a
 942 certificate of occupancy or use shall be the local municipality
 943 or, if in an unincorporated area, the county governing
 944 authority.

945 (b) A charter school shall utilize facilities that comply
 946 with the Florida Fire Prevention Code, pursuant to s. 633.025,
 947 as adopted by the authority in whose jurisdiction the facility
 948 is located as provided in paragraph (a).

949 (c) Any facility, or portion thereof, used to house a
 950 charter school whose charter has been approved by the sponsor
 951 and the governing board, pursuant to subsection (7), shall be
 952 exempt from ad valorem taxes pursuant to s. 196.1983. Library,

953 community service, museum, performing arts, theatre, cinema,
 954 church, community college, college, and university facilities
 955 may provide space to charter schools within their facilities
 956 under their preexisting zoning and land use designations.

957 (d) Charter school facilities are exempt from assessments
 958 of fees for building permits, except as provided in s. 553.80;~~;~~
 959 fees for building and occupational licenses;~~;~~ impact fees or
 960 exactions;~~;~~ service availability fees;~~;~~ and assessments for
 961 special benefits.

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

980 (f) To the extent that charter school facilities are

981 specifically created to mitigate the educational impact created
982 by the development of new residential dwelling units, pursuant
983 to subparagraph (2)(c)4., some of or all of the educational
984 impact fees required to be paid in connection with the new
985 residential dwelling units may be designated instead for the
986 construction of the charter school facilities that will mitigate
987 the student station impact. Such facilities shall be built to
988 the State Requirements for Educational Facilities and shall be
989 owned by a public or nonprofit entity. The local school district
990 retains the right to monitor and inspect such facilities to
991 ensure compliance with the State Requirements for Educational
992 Facilities. If a facility ceases to be used for public
993 educational purposes, either the facility shall revert to the
994 school district subject to any debt owed on the facility, or the
995 owner of the facility shall have the option to refund all
996 educational impact fees utilized for the facility to the school
997 district. The district and the owner of the facility may
998 contractually agree to another arrangement for the facilities if
999 the facilities cease to be used for educational purposes. The
1000 owner of property planned or approved for new residential
1001 dwelling units and the entity levying educational impact fees
1002 shall enter into an agreement that designates the educational
1003 impact fees that will be allocated for the charter school
1004 student stations and that ensures the timely construction of the
1005 charter school student stations concurrent with the expected
1006 occupancy of the residential units. The application for use of
1007 educational impact fees shall include an approved charter school
1008 application. To assist the school district in forecasting

1009 student station needs, the entity levying the impact fees shall
 1010 notify the affected district of any agreements it has approved
 1011 for the purpose of mitigating student station impact from the
 1012 new residential dwelling units.

1013 (g) Each school district shall annually provide to the
 1014 Department of Education as part of its 5-year work plan the
 1015 number of existing vacant classrooms in each school that the
 1016 district does not intend to use or does not project will be
 1017 needed for educational purposes for the following school year.
 1018 The department may recommend that a district make such space
 1019 available to an appropriate charter school.

1020 (20)~~(19)~~ CAPITAL OUTLAY FUNDING.—Charter schools are
 1021 eligible for capital outlay funds pursuant to s. 1013.62.

1022 (21)~~(20)~~ SERVICES.—

1023 (a) A sponsor shall provide certain administrative and
 1024 educational services to charter schools. These services shall
 1025 include contract management services; full-time equivalent and
 1026 data reporting services; exceptional student education
 1027 administration services; services related to eligibility and
 1028 reporting duties required to ensure that school lunch services
 1029 under the federal lunch program, consistent with the needs of
 1030 the charter school, are provided by the school district at the
 1031 request of the charter school, that any funds due to the charter
 1032 school under the federal lunch program be paid to the charter
 1033 school as soon as the charter school begins serving food under
 1034 the federal lunch program, and that the charter school is paid
 1035 at the same time and in the same manner under the federal lunch
 1036 program as other public schools serviced by the sponsor or the

1037 school district; test administration services, including payment
 1038 of the costs of state-required or district-required student
 1039 assessments; processing of teacher certificate data services;
 1040 and information services, including equal access to student
 1041 information systems that are used by public schools in the
 1042 district in which the charter school is located. Student
 1043 performance data for each student in a charter school,
 1044 including, but not limited to, FCAT scores, standardized test
 1045 scores, previous public school student report cards, and student
 1046 performance measures, shall be provided by the sponsor to a
 1047 charter school in the same manner provided to other public
 1048 schools in the district. A total administrative fee for the
 1049 provision of such services shall be calculated based upon up to
 1050 5 percent of the available funds defined in paragraph
 1051 (18)~~(17)~~(b) for all students. However, a sponsor may only
 1052 withhold up to a 5-percent administrative fee for enrollment for
 1053 up to and including 500 students. For charter schools with a
 1054 population of 501 or more students, the difference between the
 1055 total administrative fee calculation and the amount of the
 1056 administrative fee withheld may only be used for capital outlay
 1057 purposes specified in s. 1013.62(2). Each charter school shall
 1058 receive 100 percent of the funds awarded to that school pursuant
 1059 to s. 1012.225. Sponsors shall not charge charter schools any
 1060 additional fees or surcharges for administrative and educational
 1061 services in addition to the maximum 5-percent administrative fee
 1062 withheld pursuant to this paragraph.

1063 (b) If goods and services are made available to the
 1064 charter school through the contract with the school district,

1065 they shall be provided to the charter school at a rate no
 1066 greater than the district's actual cost unless mutually agreed
 1067 upon by the charter school and the sponsor in a contract
 1068 negotiated separately from the charter. ~~When mediation has~~
 1069 ~~failed to resolve disputes over contracted services or~~
 1070 ~~contractual matters not included in the charter, an appeal may~~
 1071 ~~be made for a dispute resolution hearing before the Charter~~
 1072 ~~School Appeal Commission.~~ To maximize the use of state funds,
 1073 school districts shall allow charter schools to participate in
 1074 the sponsor's bulk purchasing program if applicable.

1075 (c) Transportation of charter school students shall be
 1076 provided by the charter school consistent with the requirements
 1077 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
 1078 body of the charter school may provide transportation through an
 1079 agreement or contract with the district school board, a private
 1080 provider, or parents. The charter school and the sponsor shall
 1081 cooperate in making arrangements that ensure that transportation
 1082 is not a barrier to equal access for all students residing
 1083 within a reasonable distance of the charter school as determined
 1084 in its charter.

1085 (22) ~~(21)~~ PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1086 (a) The Department of Education shall provide information
 1087 to the public, directly and through sponsors, on how to form and
 1088 operate a charter school and how to enroll in a charter school
 1089 once it is created. This information shall include a standard
 1090 application format, charter format, evaluation instrument, and
 1091 charter renewal format, which shall include the information
 1092 specified in subsection (7) and shall be developed by consulting

1093 and negotiating with both school districts and charter schools
 1094 before implementation. The charter and charter renewal formats
 1095 shall be used by charter school sponsors.

1096 (b)1. The Department of Education shall report student
 1097 assessment data pursuant to s. 1008.34(3)(c) which is reported
 1098 to schools that receive a school grade or student assessment
 1099 data pursuant to s. 1008.341(3) which is reported to alternative
 1100 schools that receive a school improvement rating to each charter
 1101 school that:

1102 a. Does not receive a school grade pursuant to s. 1008.34
 1103 or a school improvement rating pursuant to s. 1008.341; and

1104 b. Serves at least 10 students who are tested on the
 1105 statewide assessment test pursuant to s. 1008.22.

1106 2. The charter school shall report the information in
 1107 subparagraph 1. ~~to each parent of a student at the charter~~
 1108 ~~school, the parent of a child on a waiting list for the charter~~
 1109 ~~school,~~ the district in which the charter school is located, and
 1110 the governing board of the charter school. This paragraph does
 1111 not abrogate the provisions of s. 1002.22, relating to student
 1112 records, or the requirements of 20 U.S.C. s. 1232g, the Family
 1113 Educational Rights and Privacy Act.

1114 3.a. Pursuant to this paragraph, the Department of
 1115 Education shall compare the charter school student performance
 1116 data for each charter school in subparagraph 1. with the student
 1117 performance data in traditional public schools in the district
 1118 in which the charter school is located and other charter schools
 1119 in the state. For alternative charter schools, the department
 1120 shall compare the student performance data described in this

1121 paragraph with all alternative schools in the state. The
 1122 comparative data shall be provided by the following grade
 1123 groupings:

- 1124 (I) Grades 3 through 5;
- 1125 (II) Grades 6 through 8; and
- 1126 (III) Grades 9 through 11.

1127 b. Each charter school shall provide the information
 1128 specified in this paragraph on its Internet website and also
 1129 provide notice to the public at large in a manner provided by
 1130 the rules of the State Board of Education. The State Board of
 1131 Education shall adopt rules to administer the notice
 1132 requirements of this subparagraph pursuant to ss. 120.536(1) and
 1133 120.54. The website shall include, through links or actual
 1134 content, other information related to school performance.

1135 (23)~~(22)~~ CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
 1136 REVIEW.—

1137 (a) The Department of Education shall staff and regularly
 1138 convene a Charter School Review Panel in order to review issues,
 1139 practices, and policies regarding charter schools. The
 1140 composition of the review panel shall include individuals with
 1141 experience in finance, administration, law, education, and
 1142 school governance, and individuals familiar with charter school
 1143 construction and operation. The panel shall include two
 1144 appointees each from the Commissioner of Education, the
 1145 President of the Senate, and the Speaker of the House of
 1146 Representatives. The Governor shall appoint three members of the
 1147 panel and shall designate the chair. Each member of the panel
 1148 shall serve a 1-year term, unless renewed by the office making

1149 | the appointment. The panel shall make recommendations to the
 1150 | Legislature, to the Department of Education, to charter schools,
 1151 | and to school districts for improving charter school operations
 1152 | and oversight and for ensuring best business practices at and
 1153 | fair business relationships with charter schools.

1154 | (b) The Legislature shall review the operation of charter
 1155 | schools during the 2010 Regular Session of the Legislature.

1156 | (24)~~(23)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—Upon
 1157 | receipt of the annual report required by paragraph (10)~~(9)~~(k),
 1158 | the Department of Education shall provide to the State Board of
 1159 | Education, the Commissioner of Education, the Governor, the
 1160 | President of the Senate, and the Speaker of the House of
 1161 | Representatives an analysis and comparison of the overall
 1162 | performance of charter school students, to include all students
 1163 | whose scores are counted as part of the statewide assessment
 1164 | program, versus comparable public school students in the
 1165 | district as determined by the statewide assessment program
 1166 | currently administered in the school district, and other
 1167 | assessments administered pursuant to s. 1008.22(3).

1168 | (25)~~(24)~~ RESTRICTION ON EMPLOYMENT OF RELATIVES.—

1169 | (a) This subsection applies to charter school personnel in
 1170 | a charter school operated by a private entity. As used in this
 1171 | subsection, the term:

1172 | 1. "Charter school personnel" means a charter school
 1173 | owner, president, chairperson of the governing board of
 1174 | directors, superintendent, governing board member, principal,
 1175 | assistant principal, or any other person employed by the charter
 1176 | school who has equivalent decisionmaking authority and in whom

1177 is vested the authority, or to whom the authority has been
 1178 delegated, to appoint, employ, promote, or advance individuals
 1179 or to recommend individuals for appointment, employment,
 1180 promotion, or advancement in connection with employment in a
 1181 charter school, including the authority as a member of a
 1182 governing body of a charter school to vote on the appointment,
 1183 employment, promotion, or advancement of individuals.

1184 2. "Relative" means father, mother, son, daughter,
 1185 brother, sister, uncle, aunt, first cousin, nephew, niece,
 1186 husband, wife, father-in-law, mother-in-law, son-in-law,
 1187 daughter-in-law, brother-in-law, sister-in-law, stepfather,
 1188 stepmother, stepson, stepdaughter, stepbrother, stepsister, half
 1189 brother, or half sister.

1190 (b) Charter school personnel may not knowingly recommend
 1191 or engage in the ~~appoint, employ, promote, or advance, or~~
 1192 ~~advocate for appointment,~~ employment, promotion, or assignment
 1193 of an individual or employee to a work location if that action
 1194 will create a situation in which one employee will be
 1195 responsible for the direct supervision of, or exercise
 1196 ~~advancement, in or to a position in the charter school in which~~
 1197 ~~the personnel are serving or over which the personnel exercises~~
 1198 jurisdiction or control over, another employee any individual
 1199 who is a relative. The Commissioner of Education or the sponsor
 1200 may make exceptions to this paragraph if such personnel actions
 1201 would cause undue hardship on students or seriously disrupt a
 1202 charter school's operations. An individual may not be appointed,
 1203 ~~employed, promoted, or advanced in or to a position in a charter~~
 1204 ~~school if such appointment, employment, promotion, or~~

1205 ~~advancement has been advocated by charter school personnel who~~
 1206 ~~serve in or exercise jurisdiction or control over the charter~~
 1207 ~~school and who is a relative of the individual or if such~~
 1208 ~~appointment, employment, promotion, or advancement is made by~~
 1209 ~~the governing board of which a relative of the individual is a~~
 1210 ~~member.~~

1211 (c) The approval of budgets does not constitute
 1212 "jurisdiction or control" for the purposes of this subsection.

1213
 1214 Charter school personnel in schools operated by a municipality
 1215 or other public entity are subject to s. 112.3135.

1216 ~~(26)-(25)~~ STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

1217 (a) A member of a governing board of a charter school,
 1218 including a charter school operated by a private entity, is
 1219 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

1220 (b) A member of a governing board of a charter school
 1221 operated by a municipality or other public entity is subject to
 1222 s. 112.3145 ~~112.3144~~, which relates to the disclosure of
 1223 financial interests.

1224 ~~(27)-(26)~~ RULEMAKING.—The Department of Education, after
 1225 consultation with school districts and charter school directors,
 1226 shall recommend that the State Board of Education adopt rules to
 1227 implement specific subsections of this section. Such rules shall
 1228 require minimum paperwork and shall not limit charter school
 1229 flexibility authorized by statute. The State Board of Education
 1230 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 1231 implement a charter model application form, evaluation
 1232 instrument, and charter and charter renewal formats in

1233 accordance with this section.

1234 Section 2. Paragraph (e) of subsection (1) and subsections
 1235 (2) and (3) of section 1013.62, Florida Statutes, are amended to
 1236 read:

1237 1013.62 Charter schools capital outlay funding.—

1238 (1) In each year in which funds are appropriated for
 1239 charter school capital outlay purposes, the Commissioner of
 1240 Education shall allocate the funds among eligible charter
 1241 schools.

1242 (e) Unless otherwise provided in the General
 1243 Appropriations Act, the funding allocation for each eligible
 1244 charter school is determined by multiplying the school's
 1245 projected student enrollment by one-fifteenth of the cost-per-
 1246 student station specified in s. 1013.64(6)(b) for an elementary,
 1247 middle, or high school, as appropriate. If the funds
 1248 appropriated are not sufficient, the commissioner shall prorate
 1249 the available funds among eligible charter schools. However, a
 1250 charter school or charter lab school may not receive state
 1251 charter school capital outlay funds greater than the one-
 1252 fifteenth cost per student station formula if the charter
 1253 school's combination of state charter school capital outlay
 1254 funds, capital outlay funds calculated through the reduction in
 1255 the administrative fee provided in s. 1002.33(21)(~~20~~), and
 1256 capital outlay funds allowed in s. 1002.32(9)(e) and (h) exceeds
 1257 the one-fifteenth cost per student station formula.

1258 (2) A charter school's governing body may use charter
 1259 school capital outlay funds for the following purposes:

1260 (a) Purchase of real property.

- 1261 (b) Construction of school facilities.
- 1262 (c) Purchase, lease-purchase, or lease of permanent or
- 1263 relocatable school facilities.
- 1264 (d) Purchase of vehicles to transport students to and from
- 1265 the charter school.
- 1266 (e) Renovation, repair, and maintenance of school
- 1267 facilities that the charter school owns or is purchasing through
- 1268 a lease-purchase or long-term lease of 5 years or longer.
- 1269 (f) Effective July 1, 2008, purchase, lease-purchase, or
- 1270 lease of new and replacement equipment, and enterprise resource
- 1271 software applications that are classified as capital assets in
- 1272 accordance with definitions of the Governmental Accounting
- 1273 Standards Board, have a useful life of at least 5 years, and are
- 1274 used to support schoolwide administration or state-mandated
- 1275 reporting requirements.
- 1276 (g) Payment of the cost of premiums for property and
- 1277 casualty insurance necessary to insure the school facilities.
- 1278 (h) Purchase, lease-purchase, or lease of driver's
- 1279 education vehicles; motor vehicles used for the maintenance or
- 1280 operation of plants and equipment; security vehicles; or
- 1281 vehicles used in storing or distributing materials and
- 1282 equipment.
- 1283 (i) Purchase of computer software, hardware, and network
- 1284 systems.
- 1285 (j) Purchase of furniture and equipment.
- 1286
- 1287 Conversion charter schools may use capital outlay funds received
- 1288 through the reduction in the administrative fee provided in s.

1289 1002.33 (21) ~~(20)~~ for renovation, repair, and maintenance of
 1290 school facilities that are owned by the sponsor.

1291 (3) When a charter school is nonrenewed or terminated, any
 1292 unencumbered funds and all equipment and property purchased with
 1293 district public funds shall revert to the ownership of the
 1294 district school board, as provided for in s. 1002.33 (9) ~~(8)~~ (e)
 1295 and (f). In the case of a charter lab school, any unencumbered
 1296 funds and all equipment and property purchased with university
 1297 public funds shall revert to the ownership of the state
 1298 university that issued the charter. The reversion of such
 1299 equipment, property, and furnishings shall focus on recoverable
 1300 assets, but not on intangible or irrecoverable costs such as
 1301 rental or leasing fees, normal maintenance, and limited
 1302 renovations. The reversion of all property secured with public
 1303 funds is subject to the complete satisfaction of all lawful
 1304 liens or encumbrances. If there are additional local issues such
 1305 as the shared use of facilities or partial ownership of
 1306 facilities or property, these issues shall be agreed to in the
 1307 charter contract prior to the expenditure of funds.

1308 Section 3. Paragraph (e) of subsection (13) of section
 1309 163.3180, Florida Statutes, is amended to read:

1310 163.3180 Concurrency.—

1311 (13) School concurrency shall be established on a
 1312 districtwide basis and shall include all public schools in the
 1313 district and all portions of the district, whether located in a
 1314 municipality or an unincorporated area unless exempt from the
 1315 public school facilities element pursuant to s. 163.3177(12).
 1316 The application of school concurrency to development shall be

1317 based upon the adopted comprehensive plan, as amended. All local
 1318 governments within a county, except as provided in paragraph
 1319 (f), shall adopt and transmit to the state land planning agency
 1320 the necessary plan amendments, along with the interlocal
 1321 agreement, for a compliance review pursuant to s. 163.3184(7)
 1322 and (8). The minimum requirements for school concurrency are the
 1323 following:

1324 (e) Availability standard.—Consistent with the public
 1325 welfare, a local government may not deny an application for site
 1326 plan, final subdivision approval, or the functional equivalent
 1327 for a development or phase of a development authorizing
 1328 residential development for failure to achieve and maintain the
 1329 level-of-service standard for public school capacity in a local
 1330 school concurrency management system where adequate school
 1331 facilities will be in place or under actual construction within
 1332 3 years after the issuance of final subdivision or site plan
 1333 approval, or the functional equivalent. School concurrency is
 1334 satisfied if the developer executes a legally binding commitment
 1335 to provide mitigation proportionate to the demand for public
 1336 school facilities to be created by actual development of the
 1337 property, including, but not limited to, the options described
 1338 in subparagraph 1. Options for proportionate-share mitigation of
 1339 impacts on public school facilities must be established in the
 1340 public school facilities element and the interlocal agreement
 1341 pursuant to s. 163.31777.

1342 1. Appropriate mitigation options include the contribution
 1343 of land; the construction, expansion, or payment for land
 1344 acquisition or construction of a public school facility; the

1345 construction of a charter school that complies with the
 1346 requirements of s. 1002.33 (19) ~~(18)~~; or the creation of
 1347 mitigation banking based on the construction of a public school
 1348 facility in exchange for the right to sell capacity credits.
 1349 Such options must include execution by the applicant and the
 1350 local government of a development agreement that constitutes a
 1351 legally binding commitment to pay proportionate-share mitigation
 1352 for the additional residential units approved by the local
 1353 government in a development order and actually developed on the
 1354 property, taking into account residential density allowed on the
 1355 property prior to the plan amendment that increased the overall
 1356 residential density. The district school board must be a party
 1357 to such an agreement. As a condition of its entry into such a
 1358 development agreement, the local government may require the
 1359 landowner to agree to continuing renewal of the agreement upon
 1360 its expiration.

1361 2. If the education facilities plan and the public
 1362 educational facilities element authorize a contribution of land;
 1363 the construction, expansion, or payment for land acquisition;
 1364 the construction or expansion of a public school facility, or a
 1365 portion thereof; or the construction of a charter school that
 1366 complies with the requirements of s. 1002.33 (19) ~~(18)~~, as
 1367 proportionate-share mitigation, the local government shall
 1368 credit such a contribution, construction, expansion, or payment
 1369 toward any other impact fee or exaction imposed by local
 1370 ordinance for the same need, on a dollar-for-dollar basis at
 1371 fair market value.

1372 3. Any proportionate-share mitigation must be directed by

1373 the school board toward a school capacity improvement identified
 1374 in a financially feasible 5-year district work plan that
 1375 satisfies the demands created by the development in accordance
 1376 with a binding developer's agreement.

1377 4. If a development is precluded from commencing because
 1378 there is inadequate classroom capacity to mitigate the impacts
 1379 of the development, the development may nevertheless commence if
 1380 there are accelerated facilities in an approved capital
 1381 improvement element scheduled for construction in year four or
 1382 later of such plan which, when built, will mitigate the proposed
 1383 development, or if such accelerated facilities will be in the
 1384 next annual update of the capital facilities element, the
 1385 developer enters into a binding, financially guaranteed
 1386 agreement with the school district to construct an accelerated
 1387 facility within the first 3 years of an approved capital
 1388 improvement plan, and the cost of the school facility is equal
 1389 to or greater than the development's proportionate share. When
 1390 the completed school facility is conveyed to the school
 1391 district, the developer shall receive impact fee credits usable
 1392 within the zone where the facility is constructed or any
 1393 attendance zone contiguous with or adjacent to the zone where
 1394 the facility is constructed.

1395 5. This paragraph does not limit the authority of a local
 1396 government to deny a development permit or its functional
 1397 equivalent pursuant to its home rule regulatory powers, except
 1398 as provided in this part.

1399 Section 4. Paragraph (c) of subsection (9) of section
 1400 1002.32, Florida Statutes, is amended to read:

1401 1002.32 Developmental research (laboratory) schools.—
 1402 (9) FUNDING.—Funding for a lab school, including a charter
 1403 lab school, shall be provided as follows:

1404 (c) All operating funds provided under this section shall
 1405 be deposited in a Lab School Trust Fund and shall be expended
 1406 for the purposes of this section. The university assigned a lab
 1407 school shall be the fiscal agent for these funds, and all rules
 1408 of the university governing the budgeting and expenditure of
 1409 state funds shall apply to these funds unless otherwise provided
 1410 by law or rule of the State Board of Education. The university
 1411 board of trustees shall be the public employer of lab school
 1412 personnel for collective bargaining purposes for lab schools in
 1413 operation prior to the 2002-2003 fiscal year. Employees of
 1414 charter lab schools authorized prior to June 1, 2003, but not in
 1415 operation prior to the 2002-2003 fiscal year shall be employees
 1416 of the entity holding the charter and must comply with the
 1417 provisions of s. 1002.33 (13) ~~(12)~~.

1418 Section 5. Paragraph (c) of subsection (10) and subsection
 1419 (13) of section 1002.34, Florida Statutes, are amended to read:

1420 1002.34 Charter technical career centers.—

1421 (10) EXEMPTION FROM STATUTES.—

1422 (c) A center must comply with the antidiscrimination
 1423 provisions in s. 1000.05 and the provisions in s.
 1424 1002.33 (25) ~~(24)~~ which relate to the employment of relatives.

1425 (13) BOARD OF DIRECTORS AUTHORITY.—The board of directors
 1426 of a center may decide matters relating to the operation of the
 1427 school, including budgeting, curriculum, and operating
 1428 procedures, subject to the center's charter. The board of

1429 directors is responsible for performing the duties provided in
 1430 s. 1002.345, including monitoring the corrective action plan.
 1431 The board of directors must comply with s. 1002.33 (26) ~~(25)~~.

1432 Section 6. Paragraphs (a) and (d) of subsection (1),
 1433 paragraph (b) of subsection (2), and subsection (6) of section
 1434 1002.345, Florida Statutes, are amended to read:

1435 1002.345 Determination of deteriorating financial
 1436 conditions and financial emergencies for charter schools and
 1437 charter technical career centers.—This section applies to
 1438 charter schools operating pursuant to s. 1002.33 and to charter
 1439 technical career centers operating pursuant to s. 1002.34.

1440 (1) EXPEDITED REVIEW; REQUIREMENTS.—

1441 (a) A charter school or a charter technical career center
 1442 is subject to an expedited review by the sponsor if one of the
 1443 following occurs:

1444 1. Failure to provide for an audit required by s. 218.39.

1445 2. Failure to comply with reporting requirements pursuant
 1446 to s. 1002.33 (10) ~~(9)~~ or s. 1002.34(11) (f) or (14).

1447 3. A deteriorating financial condition identified through
 1448 an annual audit pursuant to s. 218.39(5) or a ~~monthly~~ financial
 1449 statement pursuant to s. 1002.33 (10) ~~(9)~~ (g) or s. 1002.34(11) (f).

1450 "Deteriorating financial condition" means a circumstance that
 1451 significantly impairs the ability of a charter school or a
 1452 charter technical career center to generate enough revenues to
 1453 meet its expenditures without causing the occurrence of a
 1454 condition described in s. 218.503(1).

1455 4. Notification pursuant to s. 218.503(2) that one or more
 1456 of the conditions specified in s. 218.503(1) have occurred or

1457 will occur if action is not taken to assist the charter school
 1458 or charter technical career center.

1459 (d) The governing board shall include the corrective
 1460 action plan and the status of its implementation in the annual
 1461 progress report to the sponsor which is required pursuant to s.
 1462 1002.33 (10) ~~(9)~~ (k) or s. 1002.34(14).

1463 (2) FINANCIAL EMERGENCY; REQUIREMENTS.—

1464 (b) The governing board shall include the financial
 1465 recovery plan and the status of its implementation in the annual
 1466 progress report to the sponsor which is required under s.
 1467 1002.33 (10) ~~(9)~~ (k) or s. 1002.34(14).

1468 (6) FAILURE TO CORRECT DEFICIENCIES.—The sponsor may
 1469 decide not to renew or may terminate a charter if the charter
 1470 school or charter technical career center fails to correct the
 1471 deficiencies noted in the corrective action plan within 1 year
 1472 after being notified of the deficiencies or exhibits one or more
 1473 financial emergency conditions specified in s. 218.503 for 2
 1474 consecutive years. This subsection does not affect a sponsor's
 1475 authority to terminate or not renew a charter pursuant to s.
 1476 1002.33 (9) ~~(8)~~.

1477 Section 7. Section 1011.68, Florida Statutes, is amended
 1478 to read:

1479 1011.68 Funds for student transportation.—The annual
 1480 allocation to each district for transportation to public school
 1481 programs, including charter schools as provided in s.
 1482 1002.33 (18) ~~(17)~~ (b), of students in membership in kindergarten
 1483 through grade 12 and in migrant and exceptional student programs
 1484 below kindergarten shall be determined as follows:

1485 (1) Subject to the rules of the State Board of Education,
 1486 each district shall determine the membership of students who are
 1487 transported:

1488 (a) By reason of living 2 miles or more from school.

1489 (b) By reason of being students with disabilities or
 1490 enrolled in a teenage parent program, regardless of distance to
 1491 school.

1492 (c) By reason of being in a state prekindergarten program,
 1493 regardless of distance from school.

1494 (d) By reason of being career, dual enrollment, or
 1495 students with disabilities transported from one school center to
 1496 another to participate in an instructional program or service;
 1497 or students with disabilities, transported from one designation
 1498 to another in the state, provided one designation is a school
 1499 center and provided the student's individual educational plan
 1500 (IEP) identifies the need for the instructional program or
 1501 service and transportation to be provided by the school
 1502 district. A "school center" is defined as a public school
 1503 center, community college, state university, or other facility
 1504 rented, leased, or owned and operated by the school district or
 1505 another public agency. A "dual enrollment student" is defined as
 1506 a public school student in membership in both a public secondary
 1507 school program and a community college or a state university
 1508 program under a written agreement to partially fulfill ss.
 1509 1003.435 and 1007.23 and earning full-time equivalent membership
 1510 under s. 1011.62(1)(i).

1511 (e) With respect to elementary school students whose grade
 1512 level does not exceed grade 6, by reason of being subjected to

1513 hazardous walking conditions en route to or from school as
 1514 provided in s. 1006.23. Such rules shall, when appropriate,
 1515 provide for the determination of membership under this paragraph
 1516 for less than 1 year to accommodate the needs of students who
 1517 require transportation only until such hazardous conditions are
 1518 corrected.

1519 (f) By reason of being a pregnant student or student
 1520 parent, and the child of a student parent as provided in s.
 1521 1003.54, regardless of distance from school.

1522 (2) The allocation for each district shall be calculated
 1523 annually in accordance with the following formula:

1524 $T = B + EX$. The elements of this formula are defined as follows:
 1525 T is the total dollar allocation for transportation. B is the
 1526 base transportation dollar allocation prorated by an adjusted
 1527 student membership count. The adjusted membership count shall be
 1528 derived from a multiplicative index function in which the base
 1529 student membership is adjusted by multiplying it by index
 1530 numbers that individually account for the impact of the price
 1531 level index, average bus occupancy, and the extent of rural
 1532 population in the district. EX is the base transportation dollar
 1533 allocation for disabled students prorated by an adjusted
 1534 disabled student membership count. The base transportation
 1535 dollar allocation for disabled students is the total state base
 1536 disabled student membership count weighted for increased costs
 1537 associated with transporting disabled students and multiplying
 1538 it by the prior year's average per student cost for
 1539 transportation. The adjusted disabled student membership count
 1540 shall be derived from a multiplicative index function in which

1541 the weighted base disabled student membership is adjusted by
 1542 multiplying it by index numbers that individually account for
 1543 the impact of the price level index, average bus occupancy, and
 1544 the extent of rural population in the district. Each adjustment
 1545 factor shall be designed to affect the base allocation by no
 1546 more or less than 10 percent.

1547 (3) The total allocation to each district for
 1548 transportation of students shall be the sum of the amounts
 1549 determined in subsection (2). If the funds appropriated for the
 1550 purpose of implementing this section are not sufficient to pay
 1551 the base transportation allocation and the base transportation
 1552 allocation for disabled students, the Department of Education
 1553 shall prorate the available funds on a percentage basis. If the
 1554 funds appropriated for the purpose of implementing this section
 1555 exceed the sum of the base transportation allocation and the
 1556 base transportation allocation for disabled students, the base
 1557 transportation allocation for disabled students shall be limited
 1558 to the amount calculated in subsection (2), and the remaining
 1559 balance shall be added to the base transportation allocation.

1560 (4) No district shall use funds to purchase transportation
 1561 equipment and supplies at prices which exceed those determined
 1562 by the department to be the lowest which can be obtained, as
 1563 prescribed in s. 1006.27(1).

1564 (5) Funds allocated or apportioned for the payment of
 1565 student transportation services may be used to pay for
 1566 transportation of students to and from school on local general
 1567 purpose transportation systems. Student transportation funds may
 1568 also be used to pay for transportation of students to and from

1569 school in private passenger cars and boats when the
 1570 transportation is for isolated students, or students with
 1571 disabilities as defined by rule. Subject to the rules of the
 1572 State Board of Education, each school district shall determine
 1573 and report the number of assigned students using general purpose
 1574 transportation private passenger cars and boats. The allocation
 1575 per student must be equal to the allocation per student riding a
 1576 school bus.

1577 (6) Notwithstanding other provisions of this section, in
 1578 no case shall any student or students be counted for
 1579 transportation funding more than once per day. This provision
 1580 includes counting students for funding pursuant to trips in
 1581 school buses, passenger cars, or boats or general purpose
 1582 transportation.

1583 Section 8. Paragraph (b) of subsection (2) of section
 1584 1012.32, Florida Statutes, is amended to read:

1585 1012.32 Qualifications of personnel.—

1586 (2)

1587 (b) Instructional and noninstructional personnel who are
 1588 hired or contracted to fill positions in any charter school and
 1589 members of the governing board of any charter school, in
 1590 compliance with s. 1002.33 (13) ~~(12)~~ (g), must, upon employment,
 1591 engagement of services, or appointment, undergo background
 1592 screening as required under s. 1012.465 or s. 1012.56, whichever
 1593 is applicable, by filing with the district school board for the
 1594 school district in which the charter school is located a
 1595 complete set of fingerprints taken by an authorized law
 1596 enforcement agency or an employee of the school or school

1597 district who is trained to take fingerprints.

1598
 1599 Fingerprints shall be submitted to the Department of Law
 1600 Enforcement for statewide criminal and juvenile records checks
 1601 and to the Federal Bureau of Investigation for federal criminal
 1602 records checks. A person subject to this subsection who is found
 1603 ineligible for employment under s. 1012.315, or otherwise found
 1604 through background screening to have been convicted of any crime
 1605 involving moral turpitude as defined by rule of the State Board
 1606 of Education, shall not be employed, engaged to provide
 1607 services, or serve in any position that requires direct contact
 1608 with students. Probationary persons subject to this subsection
 1609 terminated because of their criminal record have the right to
 1610 appeal such decisions. The cost of the background screening may
 1611 be borne by the district school board, the charter school, the
 1612 employee, the contractor, or a person subject to this
 1613 subsection.

1614 Section 9. (1) The Office of Program Policy Analysis and
 1615 Government Accountability (OPPAGA) shall conduct a study
 1616 comparing the funding of charter schools with traditional public
 1617 schools and shall:

1618 (a) Identify the school districts that distribute funds
 1619 generated by the capital improvement millage authorized pursuant
 1620 to s. 1011.71(2), Florida Statutes, to charter schools and the
 1621 use of such funds by the charter schools.

1622 (b) Determine the amount of funds that would be available
 1623 to charter schools if school districts equitably distribute to
 1624 district schools, including charter schools, funds generated by

1625 the capital improvement millage authorized pursuant to s.
 1626 1011.71(2), Florida Statutes.

1627 (c) Examine the costs associated with supervising charter
 1628 schools and determine if the 5-percent administrative fee for
 1629 administrative and educational services for charter schools
 1630 covers the costs associated with the provision of the services.

1631 (2) OPPAGA shall make recommendations, if warranted, for
 1632 improving the accountability and equity of the funding system
 1633 for charter schools based on the findings of the study. The
 1634 results of the study shall be provided to the Governor, the
 1635 President of the Senate, and the Speaker of the House of
 1636 Representatives no later than January 1, 2011.

1637 Section 10. This act shall take effect July 1, 2010.