# Development Review Report (DRR)

**To:** Kennie Hobbs, Jr., *Interim City Manager*
**Via:** Daniel T. Keester-O'Mills, AICP, *Planning & Zoning Director*
**From:** Molly Howson, *City Planner*
**RE:** Special Exception Application No. 24-SE-022 (3698 NW 15 Street)
**Date:** January 21, 2025

The applicant (Jeff Katims, *Complete Cities Planning Group*) is representing the Petitioner, Eagles Nest Community Charter School (referred to in this report as "Eagles Nest") and has filed a special exception application. The Property Owner, Flamingo Properties Corp., Inc., has authorized George Simpson, President of Eagles Nest Community Charter School, to file the application on their behalf. Figure 1, below, provides an aerial of the subject site generally located east of State Road 7 and south of NW 15 Street. The following information has been prepared for your consideration:

## *I. BACKGROUND INFORMATION*

Requested Action

The Petitioner requests conveyance of a Special Exception Use to Eagles Nest Community Charter School to allow the continued operation of a charter primary school with transportation services with before and after school care programs, within the Light Industrial (IL) zoning district in building approximately 31,667 square feet in size on an approximately 2.07± acre site located at 3698 NW 15 Street, Lauderhill, Florida.

**Figure 1**

Applicable Land Development Regulations

**LDR Article III, Section 2.2**., addresses assignment of zoning districts

**LDR Article III, Sections 2.3 and 2.4., and Schedule B**. respectively address permitted and special exception uses

**LDR Article III, Sec. 5.48. - Education, primary and secondary, charter and private schools**

**LDR Article IV., Part 1.0., Subsection 1.3.1**., addresses the pre-application conference

**LDR Article IV., Part 1.0., Subsection 1.3.2**., provides for the Department to review any land development order application

**LDR Article IV., Subsection 1.4.4**., provides that within 45 days from the acceptance of the application for development subject to major review

**LDR Article IV., subsection 4.5.A**. requires the application set forth in detail the proposed use

**LDR Article IV., Subsection 4.5.B**. provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees

**LDR Article IV., Section 4.6**., Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

**LDR Article IV, Section 4.10**- Conveyance of uses that are subject to special exception approval.

## *II. SITE INFORMATION*

Legal Description:
A PORTION OF TRACT E, INDUSTRIAL 100 UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Address:
3698 NW 15 Street, Lauderhill, Florida

Tax Folio Number(s):
4942 31 24 0027

Land Use/Zoning:

| | |
|---|---|
| **Existing Use(s):** | Industrial –<br>Charter School |
| **Future Land Use Designation:** | Industrial |
| **Zoning Designation:** | Industrial, Light (IL) |

Adjacent Designations:

| | **Existing Use** | **Future Designation** | **Zoning** |
|---|---|---|---|
| **North** | Moving Services | Industrial | Industrial, Light (IL) |
| **South** | Georgetown Residences | Medium Residential (16) | Residential Townhouse (RT-16) |
| **East** | Ship / Marine Services | Industrial | Industrial, Light (IL) |
| **West** | UPS / Parcel Services | Industrial | Industrial, Light (IL) |

## *III. ZONING HISTORY*

Existing Special Exceptions

On May 27, 1997, the City Commission adopted Resolution No. 98R-05-101, which granted "The Smart School, Inc." a special exception use development order without conditions to operate a charter middle school on a portion of the premises.

On July 14, 2008, the City Commission adopted Resolution No. 08R-07-174, which granted "Raising Individual Student Excellence (RISE) Education Schools, Inc." a special exception use development order with conditions to allow a charter elementary school (Grades K – 5) with transportation services and after-school childcare services on the remaining portion of the premises. After "The Smart School, Inc." vacated the premises in 2009, RISE occupied the entire premises but did not get special exception use approval for such occupation until the City Commission adopted Resolution No.13R-12-265 on December 9, 2013.

In 2014, RISE received failing grades for a second year and chose to sublease the space to the Applicant, Eagles nest Community Charter Schools, Inc.

On July 14, 2014, the City Commission adopted Resolution No. 14R-07-139, which granted to Eagles Nest a special exception use development order with conditions to operate within a portion of the building, a charter primary school with transportation services, with before and after care programs, and with the ability to share space with another charter school.

On September 29, 2014, the City Commission adopted Resolution No. 14R-09-232, which granted to Eagles Nest a special exception use development order with conditions to operate within a portion of the building, a charter primary school with transportation services, with before and after care programs, to fully occupy the building. **The City Commission conditioned the approval of the special exception by limiting the operations to 5 years, and on March 19, 2019 the resolution expired.**

On June 24, 2019, the City Commission adopted Resolution No. 19R-06-105, which granted Eagles Nest another special exception use development order with conditions to operate within a portion of the building, a charter primary school with transportation services, with before and after care programs, to fully occupy the building. Staff did not recommend approval of the renewed special exception; however, **the City Commission approved the renewal of the special exception and limited the operations to an additional 5 years, and on June 24, 2024 the resolution expired.**

Violations

The Applicant has been operating without a COU since June 24, 2024.

Existing Variances

None

Development History

- The building (~31,667 sq. ft. building) was constructed approximately 1989.
- A site plan modification application (14-MR-007) was submitted in 2014 for changes to the site, which included: construction of a playground shade structure, dumpster enclosure, and changes to the striping.

## *IV. PLANNING ANALYSIS*

As stipulated in the Land Development Regulations, Article IV, Section 4.6, Standards for Approval, The Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill.
7. Factors relating to safety, health, and general public welfare.

Based upon its review, staff **does not** find that the proposed use is consistent with each of the above considerations. As such, staff recommends **denial** of the special exception request.

**LDR Article III, Sections 2.3 and 2.4., and Schedule B**. respectively address permitted and special exception uses. The LDR classifies an Educational Use "Primary and secondary, charter and private schools," which is **not** permitted in the Industrial, Light (IL) zoning district. On June 8, 2015, the City Commission adopted an amendment to the Land Development Regulations (Ordinance 15O-05-118) that made a distinction between public schools and private schools (including charter schools), which prohibited charter schools from operating within this zoning district (IL). However, recent changes to the Florida Statutes requires that municipalities treat public schools and charter schools equally (1002.33(18)(a)). A public school is permitted in this zoning district by special exception.

1. **The effect of such use on surrounding properties:**
   The site is developed with a freestanding building and is the site of the existing Eagles Nest Community Charter School. It is bordered to the North, East, and West by industrial land uses and to the south by residential townhouse uses.

   Staff concludes that the application is in conformance with this standard.

2. **The suitability of the use in regards to its location, site characteristics, and intended purpose and access:**

Staff finds that the Zoning District Map shows that the subject property is located within the Industrial, Light (IL) zoning district. Staff finds that the LDR do not provide a section describing the character, intent or purposes of the Light Industrial zoning district. Notwithstanding, the general purpose or intent of any industrial zoning district is primarily to accommodate the manufacturing, assembly, processing or storage of products.

Staff finds that the existing and proposed use of a K-8 charter school with transportation is a type of "community facility." Staff finds that community facilities are not suitable in areas zoned industrial because such a location would expose children to the adverse impacts generated by industrial uses. These impacts can include: noise, odor, smoke, heat, glare, vibration, and heavy truck traffic.

The site has been improved for the use of a charter school. These improvements include a widening of the public sidewalk along NW 15 Street to be 5 feet, a dumpster enclosure upgrade to include a hose bib and connection to the sanitary sewer, these upgrades were required based on food service being provided by the school. These improvements also include an outdoor play area for younger children at the rear of the school. However, the school currently serves K-8 grade and there are not locations on site for the expansion of the outdoor area to serve the older children.

Thus, Staff concludes that the uses are **not** in conformance with this standard.

3. **Access, traffic generation and road capacities:**
   Staff finds that direct vehicular access to the subject property is available from two driveways connecting to NW 15 Street. Internal circulation operates in a clockwise direction with the drop-off and pick-up area for students being driven to school on the west side of the building and drop-off and pick-up area for the students riding the bus on a the north side of the building. Staff concludes that the site has adequate vehicular access.

   Staff concludes that the application is in conformance with this standard.

4. **Economic benefits or liabilities**:
   Staff finds that the use of a charter school generates both economic benefits and liabilities. The primary direct economic benefit is the maintenance of 30 jobs held by the staff at the existing charter school. The salaries of these jobs range from $13,000 to $90,000. The indirect economic benefits could include the sales taxes collected from employee and student expenditures with in the City of Lauderhill.

   One economic liability is the opportunity costs associated with not using the site and building for light industrial or heavy commercial uses. The City has a lack of industrial space and the continued occupancy of this building of a school precludes attracting an industrial tenant seeking 30,000 square feet of space. Further the proposed use could generate less sales tax revenues than a typical similarly sized light industrial or heavy commercial use. A second economic liability

is the location of the school within an industrial area could discourage other industrial uses from locating within the area of the school. A third economic liability is the potential for the school to purchase the property and file for tax-exempt status.

Based on the above findings, staff concludes that the application is **not** in conformance with this standard.

5. **Demands on utilities, community facilities, and public services:**
Staff finds that although the Eagles Nest Community Charter School has approval from the State of Florida to operate a school of up to 800 students, the current population of the school is 295 K – 8 grade. The school's growth is limited to the capacity of the building and the site as determined by Florida Fire Code. The applicant's response to the standard of approval states that the school would not generate any additional demands for utilities, community facilities, and public services. Staff finds that the application does not contain any evidence demonstrating that the school will generate a demand on utilities more than, equal to, or less than a similarly sized industrial use.

   Staff concludes this application is in conformance with this standard.

6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill**:
The site is designated "Industrial" on the City's Future Land Use Map and "Commerce" on the Broward County Future Land Use Plan. Both the City and the County Plans allow for community facilities within that designation.

   Staff concludes this application is in conformance with this standard.

7. **Factors relating to safety, health, and general public welfare:**
The site is located on NW 15th Street, which is a local two lane street within the Industrial, Light (IL) zoning district. Staff finds that the use of a primary school within an industrial area can have adverse impacts to safety, health, and general public welfare. Although the school has made improvements to the subject site to address pedestrian accessibility, the properties surrounding the site have not been designed for the passage of school age pedestrians. Although the Georgetown townhouse development abuts the south property line, pedestrian access is not available. Therefore, students walking to this site from the surrounding residential neighborhoods are required to walk along NW 19th Street or US-441 (AKA: State Road 7) in order to walk to school. They must cross access ways and driveways, which serve light industrial and heavy commercial uses. Heavy trucks and commercial vehicles are typically associated with these uses. The concentration of heavy trucks and commercial vehicles in the area is not compatible with the pedestrian passage of primary school age children.

   Based on the above findings, staff concludes that the application is **not** in conformance with this standard.

## *V. RECOMMENDATION/ACTION*

Staff recommends **denial** of this special exception request for conveyance of an Education use "Primary and secondary, charter and private schools" with transportation services, with before and after care programs; however, if the City Commission chooses to approve this application, the Staff recommends the following conditions be included on the resolution:

1. This special exception use development order for a charter primary school (Kindergarten to Eight Grade, with private transportation services and before and after school care uses) is specifically granted to Eagles Nest Community Charter Schools, Inc. and such development order cannot be sold, assigned, transferred or otherwise conveyed to another person. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision.

2. The 31,667 charter school is restricted to the property legally described herein and the location and maximum floor area size is limited to the existing floor plan occupied by Eagle's Nest Community Charter School, Inc.. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order or grants a new development order to allow such expansion, alteration, enlargement or removal to another location. Notwithstanding the above, through the site plan modification process, the City Commission delegates to the Development Review Committee (DRC) the authority to allow the floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement, or removal of the use to another location.

3. The school days and hours of operation are limited to Monday through Friday from 8:00 a.m. to 3:00 p.m.. The before school programs days and hours of operation are limited to Monday through Friday from 7:00 a.m. to 8:00 a.m. and the after school care program days and hours are Monday through Friday from 3:00 p.m. to 6:00 p.m.. Saturday school academic enrichment during the school year from 9:00 a.m. to 12:00 p.m.. Extra-curricular days and hours of operation are allowed as needed. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission allows such increase.

4. Eagle's Nest Community Charter Schools, Inc. shall operate grades K-8 and the addition of grades to include 9 – 12 is prohibited unless approved through a separate special exception by the City Commission.

5. The maximum number of students to be served at any time is restricted to 800 students, unless the Fire Rescue Division determines that the maximum occupancy load should be less.

6. The inventory of equipment and fixtures to be used on the premises shall be, at a minimum, those required by the School Board.

7. Subsequent to occupancy, if the Code Enforcement Division or Police Division receives three or more complaints against the uses within any one year period and such complaints are affirmed by the Code Enforcement Board, the City Commission may hold a duly noticed public hearing to review the special exception uses and may add, modify, suspend or revoke any conditions of approval or the development order.

8. This special exception development order shall be effective until July 1, 2029.

9. If any of the uses requires as part of its operations Police Department Services, Eagles Nest Community Charter Schools, Inc. shall be responsible for reimbursing the City for all such costs.

10. The City shall not issue or renew a local business tax receipt unless the local business tax receipt application includes evidence that a state license or similarly applicable document has been granted and is valid and unless a copy of an effective Emergency Management Plan is filed with the Fire Rescue Division. In addition, the Fire Rescue Division shall be provided by certified mail with a copy of any amendment to the Emergency Management Plan within 10-business days of the adoption of such amendment.

11. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.

## *VI. ATTACHMENTS*

1. Ordinance 15O-05-118 – amendment to the LDR's prohibiting charter schools in IL
2. Resolution 14R-09-232 – Special Exception for Eagles Nest
3. Resolution 19R-06-105 – Special Exception for Eagles Nest
4. Florida Statutes 1002.33(18)(a) [Student and Parental Rights and Educational Choices / Charter school]

P&Z DRR Report:
Attachment #1

Attachment "B"

# ORDINANCE NO. 150-05-118

**AN ORDINANCE OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS AND PERTAINING TO EDUCATION; INCORPORATING THE WHEREAS CLAUSES; AMENDING ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS BY CREATING A NEW SECTION 5.48., EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS AND ADDING SUBSECTIONS ON APPLICATION FILING REQUIREMENTS, SITE REQUIREMENTS, PHYSICAL ENVIRONMENT REQUIREMENTS, OTHER REQUIREMENTS, EXEMPTION, AND EXISTING SCHOOLS; AMENDING SCHEDULE A., LAND USE CLASSIFICATIONS, BY AMENDING THE CLASSIFICATION EDUCATION, PRIMARY AND SECONDARY BY ADDING PUBLIC SCHOOLS, AND BY ADDING A DEFINITION FOR EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS; AMENDING SCHEDULE B., ALLOWABLE USES, SECTION 1., USES ALLOWED IN RESIDENTIAL DISTRICTS, TO ALLOW AS A SPECIAL EXCEPTION USE EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS IN THE RESIDENTIAL SINGLE FAMILY ANNEXED AT FIVE DWELLING UNITS PER GROSS ACRE (RS-5A) ZONING DISTRICT AND MAKING EDITORIAL CHANGES; AMENDING SCHEDULE B., SECTION 2., USES ALLOWED IN NONRESIDENTIAL DISTRICTS, TO ALLOW AS A SPECIAL EXCEPTION USE EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS IN THE COMMERCIAL OFFICE (CO), GENERAL COMMERCIAL (CG), AND COMMUNITY FACILITY (CF) ZONING DISTRICTS, AND MAKING EDITORIAL CHANGES; AMENDING ARTICLE III., ZONING DISTRICTS, PART 3.0., BASE OR UNDERLYING ZONING DISTRICTS, SECTION 3.1., RESIDENTIAL ZONING DISTRICTS, SUBSECTION 3.1.13., RESIDENTIAL SINGLE FAMILY ANNEXED AT FIVE DWELLING UNITS PER GROSS ACRE (RS-5A) ZONING DISTRICT, PARAGRAPH D., SPECIAL EXCEPTION USES AND STRUCTURES, BY ADDING EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS AND MAKING EDITORIAL CHANGES; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR**

**CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY MAYOR RICHARD J. KAPLAN)**

WHEREAS, the City Commission adopted its Comprehensive Plan as is required by the Comprehensive Planning and Land Development Regulation Act (Act), which Comprehensive Plan was subsequently determined to be in-compliance with said Act; and

WHEREAS, Section 163.3202, Florida Statutes, requires each municipality to adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan; and

WHEREAS, on June 11th, 1990, the City Commission implemented its adopted Comprehensive Plan as is required by Section 163.3202, Florida Statutes, by adopting the City of Lauderhill Land Development Regulations; and

WHEREAS, Paragraph 163.3202(2)(b), Florida Statutes (F.S.), requires the land development regulations contain specific and detailed provisions necessary to regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open spaces; and

WHEREAS, the Land Development Regulations (LDR) have a land use category for public and private primary and secondary schools; and

WHEREAS, state law imposes different requirements on public schools than on private and charter primary and secondary schools; and

WHEREAS, Section 1002.33(19), F.S., provides that, with the exception of conversion charter schools, charter schools are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities (SREF) of the Florida Building Code adopted pursuant to Section 1013.37, F.S.; and

WHEREAS, the SREF includes standards to insure the health and safety of students, such as facility inspection services, design standards and inspection standards; and

WHEREAS, from a land use perspective, private and charter primary and secondary schools should meet many of the same land use requirements as public primary and secondary schools; and

WHEREAS, the LDR do not provide any guidance on regulation of private and charter primary and secondary schools and state regulations are too lenient; and

WHEREAS, the City Commission finds the LDR's lack of guidance on private and charter primary and secondary schools has negatively impacted the public health, safety and general welfare due to such problems as the timely processing and review of development orders and other approvals, the failure to consider on-site and off-site health, safety and other improvements, and operational characteristics and issues; and

WHEREAS, on January 12th, 2015, the City Commission adopted Ordinance No. 140-12-162, which Ordinance established a six (6) month moratorium on private and charter primary and secondary schools; and

WHEREAS, on March 16th, 2015, the City Commission held a workshop to allow public discussion and debate pertaining to a draft version of this Ordinance amending the Land Development Regulations and addressing private and charter primary and secondary schools; and

WHEREAS, if a court of competent jurisdiction determines that some of these provisions are not land use regulations but are licensing issues, this ordinance shall not be invalidated if such licensing issues would be valid if they had been adopted through a separate ordinance amending those portions of the Code of Ordinances pertaining to licensing; and

WHEREAS, at their duly noticed meeting and public hearing of April 28th, 2015 the City's Planning and Zoning Board, sitting as the Local Planning Agency (LPA) entered the Development Review Report on the Ordinance and all other relevant and substantial competent evidence into the record, and forwarded the record to the City Commission with the recommendation that the Ordinance be adopted; and

WHEREAS, at their duly noticed meeting and public hearing of May 11th, 2015, the City Commission considered the record, adopted findings and conclusions, and approved the Ordinance on first reading; and

WHEREAS, at their subsequently duly noticed meeting and public hearing of June 8th, 2015, the City Commission on second reading adopted the Ordinance incorporating revisions to the Land Development Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. **Whereas clauses incorporated**. The findings and conclusions set forth in the above whereas clauses are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. **Section 5.48. created**. Land Development Regulations Article III, Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications, Section 5.48, is created as set forth below:

**Sec. 5.48. Education, Primary and secondary, Charter and private schools.**

5.48.1. Application filing requirements. In addition to the filing requirements for special exception use applications, the following additional information shall be provided for any proposed charter or private primary and secondary school.

A. Timing. In order to allow sufficient time to secure required development order, building permit, and business license approval, a special exception use application and fee must be filed with the Planning and Zoning Office at least nine months before the start of the school year. This time requirement is not waivable.

B. Charter/accreditation. If a charter school, a copy of the School Board approved charter application and the charter agreement between the sponsor and the applicant shall be filed along with the application. If a private school, either a copy of approval from the applicable accrediting agency or a letter of acknowledgement that an application for accreditation has been filed.

C. Organizational structure. An organizational chart and explanation showing the hierarchical arrangement of lines of authority, communications, right and duties of the school organization.

D. Affidavit. A list of the governing board members/Board of Directors, Officers, Administrators and all individuals with a financial interest in the school that will interact with students, along with affidavits from each stating whether or not that person was convicted of a crime within the last ten years.

E. Financial responsibility. Evidence of financial responsibility, including at a minimum:

1. A one-year pro-forma statement showing revenues, expenditures, and net profit or loss;
2. A bank account demonstrating sufficient financial resources to operate the facility for one year;
3. A $250,000 surety bond or other type of credit, and
4. The name, education, experience and qualifications of the person charged with financial management.

F. Prior history. Evidence of any prior history of financial interest, ownership, management, or operation of a charter or private school, including its financial and educational success or failure.

G. Prior jobs. Evidence of past job and education experience showing that the Governing Board/Board of Directors, Officers, Administrators, its employees and any consultants (e.g., internal auditor, management company) are qualified to operate the school.

H. Use. Evidence of legal use of the property in question by applicant through a deed, contract or option to purchase or lease.

I. Emergency management plan. A conceptual site plan showing where the students would congregate in the event of a fire. In addition, if a disaster should render the building uninhabitable, a plan showing how students would be accommodated elsewhere until the building is repaired and made habitable.

J. Ingress/Egress. A conceptual site plan showing the ingress and egress of pedestrians and all vehicles from the school site, and safety features necessary to protect the students on and within 1,000 lineal feet of the school site boundaries and a narrative explaining how student safety and off-premises private property rights will be assured at least 30 minutes before and at least 45 minutes after the school hours of operation.

K. Other. Any other documentation or requirements that the Planning and Zoning Office deems relevant to the operation of such use or safety of the students or both.

5.48.2. Site requirements. The following minimum standards shall apply

A. Separation standard. Public, charter, and private primary and secondary schools shall be separated between and among each other by a minimum distance of 1,000 lineal feet between as measured by the nearest point on any plots to be occupied by such land uses.

B. Lot size. The plot shall have a minimum size of one acre.

C. Building requirements. If located on property with a single building, the school must occupy the entire freestanding building. If located within a shopping center or office building, the school may not occupy a ground floor; however, existing schools occupying a ground floor shall be considered a legal, non-conforming use subject to the nonconforming use provisions in Schedule H.

D. Barrier. If the site abuts a canal or other water body, a minimum eight feet high fence shall be installed along the property line abutting the water body in order to protect the students.

E. Site plan requirements. A Certificate of Use shall not be issued until a site plan or site plan modification is approved consistent with these Land Development Regulations and consistent with the State Requirements for Educational Facilities (SREF) 2014 (or latest edition), as stated in the Florida Administrative Code. The Planning and Zoning Official may grant relief from these requirements under Article IV., Part 3.0., Sections 3.3 and 3.4 or based upon good cause. In addition, if the application is for a charter school, a copy of the site plan or site plan modification shall be provided to the School Board of Broward County, Florida staff for conformance with the applicable SREF.

F. Off-site improvements. If through the site plan or site plan modification process the City Engineer, Broward County or state transportation related agencies deem that off-site improvements are required, such as traffic signalization, signage, pedestrian and bicycle improvements, transit amenities, school crossings and zones, and turning lanes, such improvements and amenities must be constructed and approved before a Certificate of Use can be issued. At a minimum, the following

factors shall be considered in determining the extent of the off-site improvements:

1. Whether the roadways provide adequate access and areas for safe bicycling and walking to the site; and

2. Whether median cuts, left and right turning lanes and storage lanes are available to facilitate access of buses, teachers, parents, students, and services; and

3. Whether school zone flasher installations are available in order to facilitate safe pedestrian access to the site; and

4. Whether the school site is connected to existing or planned residential developments by sidewalks, walkways, and crosswalks in order to facilitate safe pedestrian movement.

5.48.3. Physical environment requirements.

A. Indoor space. All schools must have a minimum amount of usable indoor floor space for each student. Usable indoor floor space refers to space that is available for classrooms and shall be measured at floor level from interior walls. It does not include hallways and stairways, restroom facilities, kitchens, and offices. A floor plan shall be provided showing the following minimums per occupant:

1. Classrooms: 44 net square feet for primary schools and 32 net square feet for secondary schools;

2. Dining area (excluding kitchen and storage area): 40 net square feet and 25 percent school capacity, but a phasing plan based on

10 day enrollment may be provided until capacity is reached;

3. Administrative offices: 100 net square feet;

Additional space shall be provided for all other functions based upon the Florida Building Code or Fire Safety Code.

B. Outdoor space. A minimum 45 square feet of outdoor space shall be provided per student. Such space preferably shall be located on-site.

C. Drop-off/pick-up area. A student drop-off and pick-up area shall be depicted on the site plan, which area shall be consistent with the "Safe Routes to School Guide, Student Drop-off and Pick-up", which guide was developed by the Pedestrian and Bicycle Information Center.

5.48.4. Other requirements.

A. General liability. The owner or director of any school shall annually provide proof that said school has obtained and will continue in effect a comprehensive general liability insurance policy in the minimum amount of one million dollars ($1,000,000.00) for bodily injury and property damage and shall name the City of Lauderhill as an additional insured. Proof of such insurance policy shall be provided to the Finance Department in conjunction with the filing of the local business tax receipt application. Said owner or director shall also provide the Finance Department thirty (30) days prior notice of the expiration or cancellation of said insurance policy.

B. Transportation. If transportation services are provided, the following requirements shall apply:

1. The transportation services requirements specified in the Florida Administrative Code as may be amended from time-to-time.

2. Annually provide proof that said use has obtained and will continue in effect a comprehensive general liability insurance policy in the minimum amount of one million dollars ($1,000,000.00) for bodily injury and property damage. Proof of such insurance policy shall be provided to the Finance Department in conjunction with the filing of the local business tax receipt application. Said owner or director shall also provide the Finance Department thirty (30) days prior notice of the expiration or cancellation of said insurance policy.

C. School crossing guards. Charter and private schools are required to and shall provide at their own expense school crossing guards that have been trained by certified instructors.

5.48.5. Exemption. A private primary or secondary school with 25 students or less shall be exempt from:

A. Paragraphs 5.48.1.B. and E;

B. Paragraph 5.48.2.A. and C;

C. Paragraph 5.48.3.A and B,

and shall be allowed as a permitted use in the General Commercial (CG) zoning district.

5.48.6. Existing schools. Existing schools that do not meet the above-described requirements shall comply with the requirements as follows:

A. Starting on Fiscal Year 2017-2018, which begins October 1, 2017, existing schools shall have

submitted a site plan modification application in order to ensure compliance with the emergency management, ingress/egress, and site plan requirements. A site plan modification development order must be secured by September 30, 2018; otherwise, a local business tax receipt will not be issued.

B. Starting on Fiscal Year 2017-2018, which begins October 1, 2017, existing schools shall comply with the insurance requirements.

5.48.7. Revocation. If the City's Police Department records more than five (5) incidents regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within the school year, the matter may be brought before the City Commission in order to determine whether the local business tax receipt and/or certificate of use should be revoked, suspended or modified.

SECTION 3. **Schedule A amended**. Land Development Regulations Schedule A., Land Use Classifications, is amended to add a new classification and definition as set forth below.

EDUCATION, PRIMARY AND SECONDARY, PUBLIC SCHOOLS: An educational use where instruction at the elementary, junior, or senior high school levels is provided in the branches of learning and study required to be taught in the public schools of the State of Florida. This land use does not include adult or child care, or pre-school education but allows remedial education as an accessory use.

EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOLS: An educational use where instruction at the elementary, junior or senior high school levels is provided in branches of learning and study approved by, in the case of a charter school, the School Board of Broward County, Florida, or in the case of a private school, by the State and applicable accrediting agency. This land use does not include adult or child care, or pre-school education but allows remedial education as an accessory use.

P&Z DRR Report: Attachment #1

Attachment "B"

SECTION 4. **Schedule B.1 amended**. Land Development Regulations Schedule B., Allowable Use, Section 1., Uses allowed in Residential Districts, is amended as set forth below

| Land Use Category | RS-4 | RS-4A | RS-5 | RS-5A | RM-5 |
|---|---|---|---|---|---|
| Education~~, primary and secondary~~ | ~~SE~~ | ~~SE~~ | ~~SE~~ | ~~SE~~ | |
| • Primary and secondary, public schools | SE | SE | SE | SE | |
| • Primary and secondary, charter and private schools [1] | | | | SE | |
| Essential services and utilities | P | P | P | P | P |

SECTION 5. **Schedule B.2 amended**. Land Development Regulations Schedule B., Allowable Use, Section 2., Uses allowed in Nonresidential Districts, is amended as set forth below.

| Land Use Category | CO | CN | CG | CC | CW | CE | IL | PO | PL | PR | CR | S-1 | CF | UT |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Education [1] | | | | | | | | | | | | | | |
| • College and university | | | | SE | | SE | | | | | | | SE | |
| • Instructional | SE | | P | P | SE | $P^2$ | | | $A^2$ | $A^2$ | | | SE | |
| • Pre-school | SE | P | | SE | SE | | | | | | | | SE | |
| • Primary and secondary, Public schools | SE | | | SE | SE | | SE | | | | | | SE | |
| • Primary and secondary, charter & private schools [1] | SE | | SE | | | | | | | | | | SE | |
| • Remedial | | P | | | | | | | | | | | P | |
| • Training | SE | | P | P | SE | $SE^2$ | SE | | $A^2$ | $A^2$ | | | P | |
| Essential utilities and services | P | P | P | P | P | P | P | P | P | P | A | P | P | P |

SECTION 6. **Paragraph 3.1.13.D amended**. Land Development Regulations Article III., Zoning Districts, Part 3.0., Base or Underlying zoning districts, Section 3.1., Residential zoning districts, Subsection 3.1.13., Residential Single Family Annexed at Five dwelling units per gross acre (RS-5A) zoning district, Paragraph D., Special exception uses and structures, is amended as set forth below.

C. Special exception uses and structures allowed. The following types of uses and structures are allowed as special exception uses within the RS-5A zoning district:

1. Construction trailer;

P&Z DRR Report: Attachment #1

Attachment "B"

2. Primary and secondary school, Public; ~~and~~

3. Primary and secondary, charter and private; and

4. Temporary real estate sales office consistent with Article VII., Section 8.

SECTION 7. **Findings and Conclusions**. The Development Review Report prepared by the Planning and Zoning Department is attached hereto, is incorporated herein, and are hereby adopted as the findings of fact and conclusions of law to support the Ordinance amending Land Development Regulations.

SECTION 8 **Conflict**. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 9 **Codification**. The provisions of this Ordinance shall become and be made a part of the City of Lauderhill, Florida Land Development Regulations; sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and the word "ordinance" may be changed to "article," "part," "section," or other appropriate word.

SECTION 10. **Effective Date**. This Ordinance shall take effect immediately upon its adoption.

DATE this 8 day of June, 2015.

PASSED on first reading this 11 day of May, 2015.

PASSED AND ADOPTED on second reading this 8 day of June, 2015.

PRESIDING OFFICER

ATTEST:

CITY CLERK

P&Z DRR Report:
Attachment #1

Attachment "B"

| | FIRST READING | SECOND READING |
|---|---|---|
| MOTION | Benson | Benson |
| SECOND | Bates | Bates |
| M. BATES | Yes | Yes |
| H. BENSON | Yes | Yes |
| H. BERGER | Yes | Yes |
| K. THURSTON | Yes | Yes |
| R. KAPLAN | Yes | Yes |

P&Z DRR Report: Attachment #2

Attachment "B"

**RESOLUTION NO. 14R-09-232**

**A RESOLUTION RESCINDING, REPEALING AND REPLACING RESOLUTION NO. 14R-07-139; GRANTING TO EAGLES NEST COMMUNITY CHARTER SCHOOLS, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, WITH CONDITIONS, TO ALLOW WITHIN THE LIGHT INDUSTRIAL (IL) ZONING DISTRICT A CHARTER PRIMARY SCHOOL WITH TRANSPORTATION SERVICES, WITH BEFORE AND AFTER SCHOOL CARE PROGRAMS TO FULLY OCCUPY A BUILDING LOCATED ON A 2.07 ± ACRE SITE LEGALLY DESCRIBED AS A PORTION OF TRACT E, INDUSTRIAL 100 UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 3698 NW 15TH STREET, LAUDERHILL, FLORIDA**

WHEREAS, Resolution No. 14R-07-139 was previously approved with conditions authorizing a charter primary school to share the building with another charter school, and this Resolution requests that Eagles Nest Community Charter Schools, Inc. be authorized to fully occupy the entire building instead; and

WHEREAS, this property is zoned Light Industrial (IL) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the Light Industrial zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote IN FAVOR OF this Special Exception Use Development Order request subject to conditions;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. That Resolution No. 14R-07-139 is hereby rescinded, repealed and replaced with this Resolution.

Section 2. That the Special Exception Use Development order of Eagles Nest Community Charter Schools, Inc., to allow within the Light Industrial (IL) zoning district a charter primary school with transportation services, with before and after school care programs, to fully occupy a building located on a ± 2.07 acre site legally described as a Portion of Tract E, Industrial 100 Unit 2, according to the Plat thereof, as recorded in Plat Book 85, Page 2 of the

P&Z DRR Report: Attachment #2

Attachment "B"

Public Record of Broward County, Florida, more commonly known as 3698 N.W. 15th Street, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This special exception use development order for a charter primary school, Kindergarten to Eighth Grade, with private transportation services and before and after school care uses is specifically granted to Eagles Nest Community Charter Schools, Inc. and such development order cannot be sold, assigned, transferred or otherwise conveyed to another person Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. Further, this special exception use development order shall automatically expire and become null and void if any of the uses cease to operate for three or more consecutive months.

2. The maximum primary school floor area size is 31,667± ± square feet as displayed on the floor plan. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of these uses is prohibited and shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location. Notwithstanding the above, through the site plan modification process, the City Commission delegates to the Development Review Committee (DRC) the authority to allow the floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement or removal of the uses to another location.

3. The school days and hours of operation are limited to Monday through Friday from 8:00 a.m. to 3:00 p.m. The before school care programs days and hours of operation are limited to Monday through Friday from 7:00am to 8:00am and the after school care program days and hours are Monday through Friday from 3:00pm to 7:30pm. Extra-curricular days and hours of operation are allowed as needed. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission allows such increase.

4. The maximum number of students to be served at any time is restricted to 800 students, unless the Fire Rescue Division determines that the maximum occupancy load should be less.

5. The inventory of equipment and fixtures to be used on the premises shall be, at a minimum, those required by the School Board.

P&Z DRR Report: Attachment #2

Attachment "B"

6. Subsequent to occupancy, if the Code Enforcement Division or Police Division receives three or more complaints against the uses within any one year period and such complaints are affirmed by the Code Enforcement Board, the City Commission may hold a duly noticed public to review the special exception uses and may add, modify, suspend or revoke any conditions of approval or the development order.

7. This special exception use development order shall be effective until March 15th, 2019 and shall then expire. The development order may be renewed for subsequent five-year periods provided additional industrial space is not needed as determined by the inventory of vacant industrial space within the industrial park and provided that the school has performed satisfactorily during the five year period.

8. If any of the uses requires as part of its operations Police Division Services, Eagles Nest Community Charter Schools, Inc.. shall be responsible for reimbursing the City for all such costs.

9. The City shall not issue or renew a local business tax receipt unless the local business tax receipt application includes evidence that a state license or similarly applicable document has been granted and is valid and unless a copy of an effective Emergency Management Plan is filed with the Fire Rescue Division. In addition, the Fire Rescue Division shall be provided by certified mail with a copy of any amendment to the Emergency Management Plan within 10-business days of the adoption of such amendment.

10. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this 29 day of September, 2014.

PASSED AND ADOPTED on first reading this 29 day of September, 2014.

P&Z DRR Report:
Attachment #2

Attachment "B"

PRESIDING OFFICER

ATTEST:

CITY CLERK

| | |
|---|---|
| MOTION | Benson |
| SECOND | Thurston |
| M. BATES | Yes |
| H. BENSON | Yes |
| H. BERGER | Off Dais |
| K. THURSTON | Yes |
| R. KAPLAN | Yes |

Approved as to Form

W. Earl Hall
City Attorney

P&Z DRR Report: Attachment #3

Attachment "B"

**RESOLUTION NO. 19R-06-105**

**A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO EAGLES NEST COMMUNITY CHARTER SCHOOLS, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE LIGHT INDUSTRIAL (IL) ZONING DISTRICT A CHARTER PRIMARY SCHOOL WITH TRANSPORTATION SERVICES, WITH BEFORE AND AFTER SCHOOL CARE PROGRAMS, AND TO SHARE SPACE WITH ANOTHER CHARTER SCHOOL IN A 31,667+ SQUARE FEET BUILDING LOCATED ON A 2.07± ACRE SITE LEGALLY DESCRIBED AS A PORTION OF TRACT E, INDUSTRIAL 100 UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 3698 NW 15TH STREET, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, this property is zoned Light Industrial (IL) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the Light Industrial zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote **AGAINST** this Special Exception Use Development Order request; however, if the City Commission does vote in favor of the Development Order then it would recommend that the approval be subject to the following conditions;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The Special Exception Use Order of Eagles Nest Community Charter Schools, Inc., to allow within the Light Industrial (IL) Zoning District a Charter Primary School with Transportation Services, with Before and After School Care Programs, and to Share Space with another Charter School in a ± 31, 667 square feet building located on a ± 2.07 acre site located on a Portion of Tract E, Industrial 100 Unit 2, according to the Plat therefore, as recorded in Plat Book 85, Page 2 of the Public Records of Broward County, Florida, more commonly known as 3698 N.W. 15th Street, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This special exception use development order for a charter primary school, Kindergarten to Eighth Grade, with private transportation services and before and after school care uses is specifically granted to Eagles Nest Community Charter Schools, Inc. and such development order cannot be sold, assigned, transferred or otherwise conveyed to another person Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in

any manner shall trigger this provision. Further, this special exception use development order shall automatically expire and become null and void if any of the uses cease to operate for three or more consecutive months.

2. The 31,937± square foot charter school with private transportation services and before and after school care use is restricted to the property legally described herein and the location and maximum floor area size is limited to the existing floor plan occupied by Eagle`s Nest Community Charter School Inc.. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of these uses is prohibited and shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location. Notwithstanding the above, through the site plan modification process, the City Commission delegates to the Development Review Committee (DRC) the authority to allow the floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement or removal of the uses to another location.

3. The school days and hours of operation are limited to Monday through Friday from 8:00 a.m. to 3:00 p.m. The before school care programs days and hours of operation are limited to Monday through Friday from 7:00am to 8:00am and the after school care program days and hours are Monday through Friday from 3:00pm to 7:30pm. Extra-curricular days and hours of operation are allowed as needed. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission allows such increase.

4. Eagle`s Nest Community Charter Schools, Inc. shall operate grades K-8 and the addition of grades to include 9-12 is prohibited unless approved through further Special Exception Use approval by the City Commission at a later date.

5. The maximum number of students to be served at any time is restricted to 800 students, unless the Fire Rescue Division determines that the maximum occupancy load should be less.

6. The inventory of equipment and fixtures to be used on the premises shall be, at a minimum, those required by the School Board.

7. Subsequent to occupancy, if the Code Enforcement Division or Police Division receives three or more complaints against the uses within any one year period and such complaints are affirmed by the Code Enforcement Board, the City Commission may hold a duly noticed public

to review the special exception uses and may add, modify, suspend or revoke any conditions of approval or the development order.

8. This special exception use development order shall be effective until June 24, 2024 and shall then expire.

9. If any of the uses requires as part of its operations Police Division Services, Eagles Nest Community Charter Schools, Inc.. shall be responsible for reimbursing the City for all such costs.

10. The City shall not issue or renew a local business tax receipt unless the local business tax receipt application includes evidence that a state license or similarly applicable document has been granted and is valid and unless a copy of an effective Emergency Management Plan is filed with the Fire Rescue Division. In addition, the Fire Rescue Division shall be provided by certified mail with a copy of any amendment to the Emergency Management Plan within 10-business days of the adoption of such amendment.

11. A resource officer shall be required to be working on premises during all hours of operation.

12. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this 24 day of June, 2019.

PASSED AND ADOPTED on first reading this 24 day of June, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

P&Z DRR Report:
Attachment #3

Attachment "B"

| | |
|---|---|
| MOTION | Bates |
| SECOND | Berger |

| | |
|---|---|
| M. BATES | Yes |
| H. BERGER | Yes |
| R. CAMPBELL | Yes |
| D. GRANT | Yes |
| K. THURSTON | Yes |

Approved as to Form

W. Earl Hall
City Attorney

Select Year: 2024 Go

# The 2024 Florida Statutes

| Title XLVIII<br>EARLY LEARNING-20<br>EDUCATION CODE | Chapter 1002<br>STUDENT AND PARENTAL RIGHTS AND<br>EDUCATIONAL CHOICES | View Entire<br>Chapter |
|---|---|---|

**1002.33 Charter schools.**—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of the state's program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(c) to provide online instruction to students, pursuant to s. 1002.455, in kindergarten through grade 12. The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subparagraph (7)(a)13., subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within this state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Encourage the use of innovative learning methods.

4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school system to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(d) It is the intent of the Legislature that charter school students be considered as important as all other students in this state and, to that end, comparable funding levels from existing and future sources should be maintained for charter school students.

(3) APPLICATION FOR CHARTER STATUS.—

(a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

(b) An application for a conversion charter school shall be made by the district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert. A public school-within-a-school that is designated as a school by the district school board may also submit an application to convert to charter status. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education. A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 10 days after the meeting at which the district school board denied the application. The notice must articulate in writing the specific reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program shall not be eligible for charter school status.

(4) UNLAWFUL REPRISAL.—

(a) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term “unlawful reprisal” means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee’s position absent of a reduction in workforce as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee’s salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal that occurs as a consequence of an employee’s direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after the date upon which a reprisal prohibited by this subsection is alleged to have occurred, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the Department of Education determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the Department of Education shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the Department of Education shall provide the district school superintendent of the complainant’s district and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the Department of Education determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Department of Education shall terminate the investigation. Upon termination of any investigation, the Department of Education shall notify the complainant and the district school superintendent of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The Department of Education shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the Department of Education determines reasonable

grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel shall make findings of fact and conclusions of law for a final decision by the Department of Education.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(b) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief shall include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome of the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee that includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities.*—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

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

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

d. The Charter School Review Commission, as authorized under s. 1002.3301, may solicit and review applications for charter schools overseen by district school boards and, upon the commission approving an application, the district school board that oversees the school district in which the charter school will be located shall serve as sponsor.

(b) *Sponsor duties.*—

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

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

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

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

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

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

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

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

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

j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.

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

(I) The report shall include the following information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

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

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

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

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. For purposes of assisting the development of a charter school, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must

consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). Notwithstanding any other provision of law, an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts or that prohibits or limits the creation of a charter school is void and unenforceable. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

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

(c) *Sponsor accountability.*—

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

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

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

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

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

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

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

(a) A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the state academic standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. Reading instructional strategies for foundational skills shall include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Such strategies may include visual information and strategies that improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic

and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

7. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

8. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(c).

9. Describes the mathematics curriculum and differentiated strategies that will be used for students performing at grade level or higher and a separate mathematics curriculum and strategies for students who are performing below grade level.

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications for charter schools to be opened at a time determined by the applicant. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

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

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

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

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

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

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

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

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

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

the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

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

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

4. A charter school may defer the opening of the school's operations for up to 3 years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(c)1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board at least 7 calendar days before the date on which the appeal is to be heard.

2. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

3.a. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

b. If an appeal concerns an application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332, the State Board of Education shall determine whether the sponsor's denial was in accordance with sub-subparagraph (b)2.b.

(d)1. The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.

2. A school district that fails to implement the decision affirmed by a district court of appeal shall reduce the administrative fees withheld pursuant to subsection (20) to 1 percent for all charter schools operating in the school district. Such school districts shall file a monthly report detailing the reduction in the amount of administrative fees withheld. Upon execution of the charter, the sponsor may resume withholding the full amount of administrative fees but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this paragraph may recover attorney fees and costs to enforce the requirements of this paragraph.

(e)1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charter applications have been denied,

whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.

2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the Charter School Appeal Commission is not subject to the provisions of the Administrative Procedure Act, chapter 120.

3. The commissioner shall appoint a number of members to the Charter School Appeal Commission sufficient to ensure that no potential conflict of interest exists for any commission appeal decision. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. Of the members hearing the appeal, one-half must represent currently operating charter schools and one-half must represent sponsors. The commissioner or a named designee shall chair the Charter School Appeal Commission.

4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases where the commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.

5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

(f)1. The Department of Education shall provide or arrange for training and technical assistance to charter schools in developing and adjusting business plans and accounting for costs and income. Training and technical assistance shall also address, at a minimum, state and federal grant and student performance accountability reporting requirements and provide assistance in identifying and applying for the types and amounts of state and federal financial assistance the charter school may be eligible to receive. The department may provide other technical assistance to an applicant upon written request.

2. A charter school applicant must participate in the training provided by the Department of Education after approval of an application but at least 30 calendar days before the first day of classes at the charter school. However, a sponsor may require the charter school applicant to attend training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the department. In such case, the sponsor may not require the charter school applicant to attend the training within 30 calendar days before the first day of classes at the charter school. The training must include instruction in accurate financial planning and good business practices. If the applicant is a management company or a nonprofit organization, the charter school principal and the chief financial officer or his or her equivalent must also participate in the training. A sponsor may not require a high-performing charter school or high-performing charter school system applicant to participate in the training described in this subparagraph more than once.

(g) In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(7) CHARTER.—The terms and conditions for the operation of a charter school, including a virtual charter school, shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The

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

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

1. The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district, and the ages and grades to be included.

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

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the state's academic standards and grounded in scientifically based reading research. Reading instructional strategies for foundational skills shall include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Such strategies may include visual information and strategies that improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

b. The charter shall ensure that mathematics is a focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are performing below grade level.

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

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

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

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

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

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

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

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

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

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance, except as authorized under subparagraph (10)(e)5.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may also be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party against whom the administrative law judge rules.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) have been expressly found. The charter of a charter school that meets these requirements and has received a school grade lower than a "B" pursuant to s. 1008.34 in the most recently graded school year must be renewed for no less than a 5-year term except as provided in paragraph (9)(n). In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. must be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in the most recently graded school year and that is not in a state of financial emergency or deficit position as defined by this section. Such long-term

charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(d) A charter may be modified during its term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Changes to curriculum which are consistent with state standards shall be deemed approved unless the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with state standards. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor as a consolidation. A request for consolidation of multiple charters must be approved or denied within 60 days after the submission of the request. If the request is denied, the sponsor shall notify the charter school's governing board of the denial and provide the specific reasons, in reasonable detail, for the denial of the request for consolidation within 10 days.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

(f) A charter may include a provision requiring the charter school to be held responsible for all costs associated with, but not limited to, mediation, damages, and attorney fees incurred by the district in connection with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

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

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may choose not to renew or may terminate the charter only if the sponsor expressly finds that one of the grounds set forth below exists by clear and convincing evidence:

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

2. Failure to meet generally accepted standards of fiscal management due to deteriorating financial conditions or financial emergencies determined pursuant to s. 1002.345.

3. Material violation of law.

(b) Before a vote on any proposed action to renew; terminate, other than an immediate termination under paragraph (c); or not renew the charter and at least 90 days before the end of the school year, the sponsor shall notify the governing board of the school in writing of the proposed action to renew, terminate, or not renew the charter. A charter automatically renews with the same terms and conditions if notification does not occur at least 90 days before the end of the school year. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals. The charter school's governing board may, within 30 calendar days after receiving the final order, appeal the decision pursuant to s. 120.68.

(c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists; that the immediate and serious danger is likely to continue; and that an immediate termination of the charter is necessary. The sponsor's determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall

notify in writing the charter school's governing board, the charter school principal, and the department of the facts and circumstances supporting the immediate termination. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable. Upon receiving written notice from the sponsor, the charter school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal. The sponsor may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if continued operation would materially threaten the health, safety, or welfare of the students.

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

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

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

(9) CHARTER SCHOOL REQUIREMENTS.—

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

(b) A charter school shall admit students as provided in subsection (10).

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

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

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

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

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

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

b. At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

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

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

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

(i) The governing body of the charter school shall exercise continuing oversight over charter school operations.

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

1. Establishing and maintaining internal controls designed to:

a. Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

b. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

c. Support economical and efficient operations.

d. Ensure reliability of financial records and reports.

e. Safeguard assets.

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

3. Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.

4.a. Performing the duties in s. 1002.345, including monitoring a corrective action plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(IV) Voluntarily close the charter school.

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

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

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

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

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

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

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

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

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

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

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

(o)1. Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than $10,000 per expenditure without prior written approval from the sponsor unless such expenditure was included within the annual budget submitted to the sponsor pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.

2. An independent audit shall be completed within 30 days after notice of nonrenewal, closure, or termination to account for all public funds and assets.

3. A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.

4. A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with its sponsor.

5. A violation of this paragraph triggers a reversion or clawback power by the sponsor allowing for collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

(p)1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

2. Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website. The sponsor may not require governing board members to reside in the school district in which the charter school is located if the charter school complies with this subparagraph.

3. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting. Members of the governing board or any member of a committee formed or designated by the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(q)1. The charter school principal or the principal's designee shall make a reasonable attempt to notify the parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to s. 394.463. For purposes of

this subparagraph, “a reasonable attempt to notify” means the exercise of reasonable diligence and care by the principal or the principal’s designee to make contact with the student’s parent, guardian, or other known emergency contact whom the student’s parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal’s designee must take the following actions:

a. Use available methods of communication to contact the student’s parent, guardian, or other known emergency contact, including, but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.

b. Document the method and number of attempts made to contact the student’s parent, guardian, or other known emergency contact, and the outcome of each attempt.

A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.

2. The principal or the principal’s designee may delay notification for no more than 24 hours after the student is removed if:

a. The principal or the principal’s designee deems the delay to be in the student’s best interest and a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or

b. The principal or the principal’s designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

3. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal’s designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463.

Each charter school governing board shall develop a policy and procedures for notification under this paragraph.

(r)1. Parents of charter school students have a right to timely notification of threats, unlawful acts, and significant emergencies pursuant to s. 1006.07(4) and (7).

2. Parents of charter school students have a right to access school safety and discipline incidents as reported pursuant to s. 1006.07(9).

(10) ELIGIBLE STUDENTS.—

(a)1. A charter school may be exempt from the requirements of s. 1002.31 if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

2. A virtual charter school when enrolling students shall comply with the applicable requirements of s. 1002.31 and with the enrollment requirements established under s. 1002.45(1)(d)4.

3. A charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located.

4. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. The district school board shall consult and negotiate with the conversion charter school every 3 years to determine whether realignment of the conversion charter school’s

attendance zone is appropriate in order to ensure that students residing closest to the charter school are provided with an enrollment preference.

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

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

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

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

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school, the charter school's governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.

9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term "classical school" means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.

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

1. Students within specific age groups or grade levels.

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

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

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals. A school that limits enrollment for such purposes must place a student on a progress monitoring plan for at least one semester before dismissing such student from the school.

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

7. Students living in a development, or students whose parent or legal guardian maintains a physical or permanent employment presence within the development, in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least $5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. The students who are eligible for enrollment are subject to a random

lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

8. Students whose parent or legal guardian is employed within a reasonable distance of the charter school, as described in paragraph (20)(c). The students who are eligible for enrollment are subject to a random lottery.

(f) Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

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

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) as a condition of approval or renewal of a charter.

(i) The capacity of a high-performing charter school identified pursuant to s. 1002.331 shall be determined annually by the governing board of the charter school. The governing board shall notify the sponsor of any increase in enrollment by March 1 of the school year preceding the increase. A sponsor may not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend, or may develop an agreement to participate at a private school, pursuant to s. 1006.15(3)(d).

(12) EMPLOYEES OF CHARTER SCHOOLS.—

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

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

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

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the district school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a district school board from approving alternative leave arrangements consistent with chapter 1012.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 1012. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 1012, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu

of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g)1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. An individual may not be employed as an employee or contract personnel of a charter school or serve as a member of a charter school governing board if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).

2. A charter school shall prohibit educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315 or have been terminated or have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs while employed, a charter school must report the individual and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).

3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct that affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide employees, personnel, or administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

4. Before employing an individual in any position that requires direct contact with students, a charter school shall conduct employment history checks of each individual through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

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

(h) For the purposes of tort liability, the charter school, including its governing body and employees, shall be governed by s. 768.28. This paragraph does not include any for-profit entity contracted by the charter school or its governing body.

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

(13) CHARTER SCHOOL COOPERATIVES.—Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests.

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

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

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers and municipal-operated schools through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

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

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

(16) EXEMPTION FROM STATUTES.—

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

1. Those statutes specifically applying to charter schools, including this section.
2. Those statutes pertaining to the student assessment program and school grading system.
3. Those statutes pertaining to the provision of services to students with disabilities.
4. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.
5. Those statutes pertaining to student health, safety, and welfare.

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

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat management teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.07(10), relating to reporting of involuntary examinations.

12. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health awareness and assistance training.

16. Section 1001.42(4)(f)2., relating to middle school and high school start times. A charter school-in-the-workplace is exempt from this requirement.

(c) For purposes of subparagraphs (b)4.-7.:

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.

2. The duties assigned to a district school board apply to a charter school governing board.

3. A charter school may hire instructional personnel and other employees on an at-will basis.

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded based upon the applicable program pursuant to s. 1011.62(1)(c), the same as students enrolled in other public schools in a school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its full-time equivalent student membership to the sponsor as required in s. 1011.62(1)(a) and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school's full-time equivalent student membership in the sponsor's full-time equivalent student membership report to the Department of Education. All charter schools submitting full-time equivalent student membership information required by the department shall comply with the department's guidelines for electronic data formats for such data, and all sponsors shall accept electronic data that complies with the department's electronic format.

(b)1. Funding [1]for students enrolled in a charter school sponsored by a school district shall be the sum of the school district's operating funds from the Florida Education Finance Program as defined in s. 1011.61(5) and the General Appropriations Act, including gross state and local funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including the student transportation allocation and the educational enrichment allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. For charter schools operated by a not-for-profit entity, any unrestricted current or capital assets identified in the charter school's annual audit may be used for other charter schools operated by the not-for-profit entity which are located outside of the originating charter school's school district, but within the state, through an unforgivable loan that must be repaid within 5 years to the originating charter school by the receiving charter school. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

2.a. Funding for students enrolled in a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) shall be provided in the Florida Education Finance Program as defined in s. 1011.61(5) and as specified in the General Appropriations Act. The calculation to determine the amount of state funds includes the sum of the basic amount for current operations established in s. 1011.62(1)(s), the discretionary millage compression supplement established in s. 1011.62(5), and the state-funded discretionary contribution established in s. 1011.62(6). Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program. The Florida College System institution or state university sponsoring the charter school shall be the fiscal agent for these funds, and all rules of the institution governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education.

(I) The nonvoted required local millage established pursuant to s. 1011.71(1) that would otherwise be required for the charter schools shall be allocated from state funds.

(II) An equivalent amount of funds for the operating discretionary millage authorized pursuant to s. 1011.71(1) shall be allocated to each charter school through a state-funded discretionary contribution established pursuant to s. 1011.62(6).

(III) The comparable wage factor as provided in s. 1011.62(2) shall be established as 1.000.

b. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

c. The Department of Education shall develop a tool that each state university or Florida College System institution sponsoring a charter school shall use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the General Appropriations Act to the charter school.

d. Capital outlay funding for a charter school sponsored by a state university or Florida College System institution pursuant to paragraph (5)(a) is determined as follows: multiply the maximum allowable nonvoted discretionary millage under s. 1011.71(2) by 96 percent of the current year's taxable value for school purposes for the district in which the charter school is located; divide the result by the total full-time equivalent student membership; and multiply the result by the full-time equivalent student membership of the charter school. The amount obtained shall be the discretionary capital improvement funds and shall be appropriated from state funds in the General Appropriations Act.

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

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

(e) Sponsors shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible, including the timely review and reimbursement of federal grant funds. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor's fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school's operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor's student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the sponsor receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. With respect to federal grant funds submitted for reimbursement, the sponsor shall have 60 calendar days from the date of the submission to reimburse the charter school if the submission provides all the necessary information to qualify for reimbursement. If a warrant for payment is not issued within 10 working days after receipt of funding by the sponsor or within 60 calendar days after an approved submittal for reimbursement of federal grant funds, the sponsor shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days or 60 calendar days for the reimbursement of federal grant funds, until such time as the warrant is issued. The district school board may not delay payment to a charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(f) Funding for a virtual charter school shall be as provided in s. 1002.45(6).

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

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

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools, including such provisions that are established by interlocal agreement. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter

schools. A charter school may not be subject to any land use regulation requiring a change to a local government comprehensive plan or requiring a development order or development permit, as those terms are defined in s. 163.3164, that would not be required for a public school in the same location. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

(b) A charter school shall use facilities that comply with the Florida Fire Prevention Code, pursuant to s. 633.208, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), is exempt from ad valorem taxes pursuant to s. 196.1983. Any library, community service, museum, performing arts, theater, cinema, or church facility; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305 may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

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

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

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., a proportionate share of costs per student station of educational impact fees required to be paid in connection with the new residential dwelling units must be designated for the construction of the charter school facilities that will mitigate the student station impact, including charter school facilities described in subparagraph (10)(e)7. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units. Any entity contributing toward the construction of such facilities shall receive a

credit toward any impact fees or exactions imposed for public educational facilities to the extent that the entity has not received a credit for such contribution pursuant to s. 163.3180(6)(h)2.

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

(19) CAPITAL OUTLAY FUNDING.—Charter schools sponsored by a school district are eligible for capital outlay funds pursuant to ss. 1011.71(2) and 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and 1013.62 which have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district.

2. A sponsor shall provide training to charter schools on systems the sponsor will require the charter school to use.

3. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(9), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in this state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

4. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

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

6. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the department by September 15 of each year.

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

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

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

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

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

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

(22) FACILITIES SHARED BY CHARTER SCHOOLS.—

(a) If a charter school moves out of a facility that is shared with another charter school having a separate Master School Identification Number, the charter school must provide for an audit of all equipment, educational materials and supplies, curriculum materials, and other items purchased or developed with federal charter school

program grant funds, and such items must be transferred to the charter school's new location. The audit report must be submitted to the Department of Education within 60 days after completion.

(b) A charter school may not transfer an enrolled student to another charter school having a separate Master School Identification Number without first obtaining the written approval of the student's parent.

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

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

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

1. "Charter school personnel" means a president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.

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

(b) Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member.

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

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

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

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

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

(b) A charter school system's governing board may be designated a local educational agency for the purpose of receiving federal funds for all schools within a school district that are established pursuant to s. 1008.33 and are under the jurisdiction of the governing board. The governing board must adopt and file a resolution with its sponsoring district school board and the Department of Education and accept full responsibility for all local educational agency requirements.

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

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

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

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

(c) An employee of the charter school, or his or her spouse, or an employee of a charter management organization, or his or her spouse, may not be a member of the governing board of the charter school.

(27) MILITARY INSTALLATIONS.—

(a) The Legislature finds that military families face unique challenges due to the highly mobile nature of military service. Among the many challenges that military families face is providing a high-quality education for their children without disruption. The state has a compelling interest in assisting the development and enhancement of learning opportunities for military children and addressing their unique needs.

(b) It is the intent of the Legislature that a framework be established to address the needs of military children who, along with their families, face unique challenges due to the highly mobile nature of military service. In establishing this framework, military installation commanders are encouraged to collaboratively work with the Commissioner of Education to increase military family student achievement, which may include the establishment of charter schools on military installations. Although the State Board of Education, through the Commissioner of Education, shall supervise this collaboration, the applicable school district shall operate and maintain control over any school that is established on the military installation.

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

**History.**—s. 98, ch. 2002-387; s. 23, ch. 2003-391; s. 1, ch. 2003-393; ss. 35, 78, ch. 2004-41; s. 3, ch. 2004-295; s. 1, ch. 2004-354; s. 1, ch. 2006-190; s. 2, ch. 2006-302; s. 5, ch. 2007-234; s. 14, ch. 2008-108; s. 4, ch. 2008-142; s. 1, ch. 2008-204; s. 7, ch. 2009-214; s. 24, ch. 2010-70; s. 6, ch. 2010-154; s. 6, ch. 2011-1; s. 27, ch. 2011-5; s. 13, ch. 2011-37; s. 8, ch. 2011-55; s. 2, ch. 2011-137; ss. 3, 5, ch. 2011-232; s. 93, ch. 2012-5; s. 6, ch. 2012-133; s. 2, ch. 2012-194; s. 5, ch. 2013-27; s. 42, ch. 2013-35; s. 156, ch. 2013-183; s. 2, ch. 2013-236; ss. 1, 2, ch. 2013-250; s. 35, ch. 2014-1; s. 3, ch. 2014-23; s. 24, ch. 2014-39; s. 7, ch. 2014-56; s. 4, ch. 2015-67; s. 4, ch. 2016-2; s. 7, ch. 2016-237; s. 21, ch. 2017-116; s. 9, ch. 2018-6; s. 114, ch. 2019-3; s. 18, ch. 2019-15; s. 8, ch. 2019-22; s. 4, ch. 2019-23; s. 13, ch. 2020-107; s. 3, ch. 2021-9; s. 4, ch. 2021-35; s. 4, ch. 2021-138; s. 5, ch. 2021-176; s. 72, ch. 2022-4; s. 2, ch. 2022-126; s. 3, ch. 2022-144; s. 1, ch. 2022-146; s. 11, ch. 2022-154; s. 142, ch. 2023-8; s. 5, ch. 2023-13; s. 36, ch. 2023-18; s. 3, ch. 2023-39; s. 2, ch. 2023-78; s. 2, ch. 2023-97; s. 4, ch. 2023-102; s. 4, ch. 2023-108; s. 2, ch. 2023-113; s. 11, ch. 2023-220; s. 8, ch. 2024-101; s. 32, ch. 2024-160; s. 4, ch. 2024-230.

[1]**Note.**—The word “for” was inserted by the editors to improve clarity.

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