

1                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           1002.33, F.S.; requiring a sponsor to honor  
4           irrevocable instructions by a charter school to  
5           deposit certain funds; providing that certain sponsor  
6           policies and charter contract provisions are void and  
7           unenforceable; providing legislative intent; requiring  
8           a sponsor to honor security interests, liens, and  
9           encumbrances on charter school property, including  
10          security interests and liens on public funds, before  
11          it reverts to the sponsor; authorizing a charter  
12          school to enter into certain financial arrangements;  
13          providing for liberal construction; providing that a  
14          charter school that pledges or assigns future payment  
15          of its funding is not pledging the credit or taxing  
16          power of the state or a school district; providing an  
17          exception to the requirement that a district school  
18          board make timely and efficient payment and  
19          reimbursement to a charter school; requiring that a  
20          district school board issue payment within a specified  
21          period after receiving funds distributed through the  
22          Florida Education Finance Program; providing an  
23          effective date.

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

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Section 1. Paragraph (b) of subsection (5), paragraph (e) of subsection (8), subsection (14), and paragraph (e) of subsection (17) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) Sponsor duties.—

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

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

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

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

51 newly revised policy until the revised policy is mutually agreed  
52 upon.

53 e. The sponsor shall ensure that the charter is innovative  
54 and consistent with the state education goals established by s.  
55 1000.03(5).

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

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

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

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

70 j. The sponsor shall not impose additional reporting  
71 requirements on a charter school without providing reasonable  
72 and specific justification in writing to the charter school.

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

76 (I) The report shall include the following information:

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

79 (B) The number of final applications received on or before  
80 August 1 and each applicant's contact information.

81 (C) The date each application was approved, denied, or  
82 withdrawn.

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

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

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

90 1. The sponsor shall honor irrevocable instructions by a  
91 charter school to deposit funds due to the charter school  
92 pursuant to subsection (17). Any sponsor policy or provision in  
93 a charter contract that conflicts with this sub-subparagraph is  
94 void and unenforceable. It is the intent of the Legislature that  
95 charter schools be authorized to enter into financial  
96 arrangements that are consistent with this sub-subparagraph and  
97 the guiding principles described in subsection (2).

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

101 section.

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

104 4. A Florida College System institution may work with the  
105 school district or school districts in its designated service  
106 area to develop charter schools that offer secondary education.  
107 These charter schools must include an option for students to  
108 receive an associate degree upon high school graduation. If a  
109 Florida College System institution operates an approved teacher  
110 preparation program under s. 1004.04 or s. 1004.85, the  
111 institution may operate no more than one charter school that  
112 serves students in kindergarten through grade 12. In  
113 kindergarten through grade 8, the charter school shall implement  
114 innovative blended learning instructional models in which, for a  
115 given course, a student learns in part through online delivery  
116 of content and instruction with some element of student control  
117 over time, place, path, or pace and in part at a supervised  
118 brick-and-mortar location away from home. A student in a blended  
119 learning course must be a full-time student of the charter  
120 school and receive the online instruction in a classroom setting  
121 at the charter school. District school boards shall cooperate  
122 with and assist the Florida College System institution on the  
123 charter application. Florida College System institution  
124 applications for charter schools are not subject to the time  
125 deadlines outlined in subsection (6) and may be approved by the

126 district school board at any time during the year. Florida  
127 College System institutions may not report FTE for any students  
128 who receive FTE funding through the Florida Education Finance  
129 Program.

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

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

148 (e) When a charter is not renewed or is terminated, the  
149 school shall be dissolved under the provisions of law under  
150 which the school was organized, and any unencumbered public

151 funds, except for capital outlay funds and federal charter  
152 school program grant funds, from the charter school shall revert  
153 to the sponsor. Capital outlay funds provided pursuant to s.  
154 1013.62 and federal charter school program grant funds that are  
155 unencumbered shall revert to the department to be redistributed  
156 among eligible charter schools. In the event a charter school is  
157 dissolved or is otherwise terminated, all district school board  
158 property and improvements, furnishings, and equipment purchased  
159 with public funds shall automatically revert to full ownership  
160 by the district school board, subject to complete satisfaction  
161 of any lawful liens or encumbrances. Any unencumbered public  
162 funds from the charter school, district school board property  
163 and improvements, furnishings, and equipment purchased with  
164 public funds, or financial or other records pertaining to the  
165 charter school, in the possession of any person, entity, or  
166 holding company, other than the charter school, shall be held in  
167 trust upon the district school board's request, until any appeal  
168 status is resolved. The sponsor shall honor any lawful security  
169 interests, liens, and encumbrances on property, including  
170 security interests and liens on public funds, held by a charter  
171 school before such property reverts to the sponsor.

172 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
173 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
174 TAXING POWER NOT TO BE PLEDGED.—

175 (a) In addition to the powers prescribed in s. 617.0302,

176 and notwithstanding any other provision of law, a charter school  
177 authorized in this section may enter into arrangements to borrow  
178 or otherwise secure funds and to assign, pledge, and encumber  
179 its assets consistent with s. 617.0302(7). This paragraph shall  
180 be liberally construed.

181 (b) Any arrangement entered into to borrow or otherwise  
182 secure funds for a charter school authorized in this section  
183 from a source other than the state or a school district shall  
184 indemnify the state and the school district from any and all  
185 liability, including, but not limited to, financial  
186 responsibility for the payment of the principal or interest. Any  
187 loans, bonds, or other financial agreements are not obligations  
188 of the state or the school district but are obligations of the  
189 charter school authority and are payable solely from the sources  
190 of funds pledged by such agreement. The credit or taxing power  
191 of the state or the school district shall not be pledged and no  
192 debts shall be payable out of any moneys except those of the  
193 legal entity in possession of a valid charter approved by a  
194 district school board pursuant to this section. A charter school  
195 that pledges or assigns the future payment of its funding is not  
196 deemed to be pledging the credit or taxing power of the state or  
197 a school district. This paragraph does not relieve the sponsor  
198 of its obligations to fund a charter school pursuant to this  
199 section or to honor any lawful security interests, liens, and  
200 encumbrances on property, including security interests and liens



201 on public funds, held by the charter school in accordance with  
202 paragraph (8) (e).

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

208 (e) District school boards shall make timely and efficient  
209 payment and reimbursement to charter schools, including  
210 processing paperwork required to access special state and  
211 federal funding for which they may be eligible, unless a charter  
212 school's contract has been terminated and the charter school has  
213 failed to file a timely appeal pursuant to subsection (8).

214 Payments of funds under paragraph (b) shall be made monthly or  
215 twice a month, beginning with the start of the district school  
216 board's fiscal year. Each payment shall be one-twelfth, or one  
217 twenty-fourth, as applicable, of the total state and local funds  
218 described in paragraph (b) and adjusted as set forth therein.  
219 For the first 2 years of a charter school's operation, if a  
220 minimum of 75 percent of the projected enrollment is entered  
221 into the sponsor's student information system by the first day  
222 of the current month, the district school board shall distribute  
223 funds to the school for the months of July through October based  
224 on the projected full-time equivalent student membership of the  
225 charter school as submitted in the approved application. If less

226 | than 75 percent of the projected enrollment is entered into the  
227 | sponsor's student information system by the first day of the  
228 | current month, the sponsor shall base payments on the actual  
229 | number of student enrollment entered into the sponsor's student  
230 | information system. Thereafter, the results of full-time  
231 | equivalent student membership surveys shall be used in adjusting  
232 | the amount of funds distributed monthly to the charter school  
233 | for the remainder of the fiscal year. The payments shall be  
234 | issued no later than 10 working days after the district school  
235 | board receives a distribution of state or federal funds,  
236 | including funds distributed through the Florida Education  
237 | Finance Program pursuant to s. 1011.66, or the date the payment  
238 | is due pursuant to this subsection. If a warrant for payment is  
239 | not issued within 10 working days after receipt of funding by  
240 | the district school board, the school district shall pay to the  
241 | charter school, in addition to the amount of the scheduled  
242 | disbursement, interest at a rate of 1 percent per month  
243 | calculated on a daily basis on the unpaid balance from the  
244 | expiration of the 10 working days until such time as the warrant  
245 | is issued. The district school board may not delay payment to a  
246 | charter school of any portion of the funds provided in paragraph  
247 | (b) based on the timing of receipt of local funds by the  
248 | district school board.

249 |       Section 2. This act shall take effect July 1, 2017.