

Bill No. CS/CS/HB 269, 1st Eng.

Amendment No. Barcode 534274

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Horne moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Short title.--This act may be cited as the
"Sharpening the Pencil Act."

Section 2. Section 230.23025, Florida Statutes, as amended by chapters 97-384, 98-225, 2000-235, and 2000-291, Laws of Florida, is amended to read:

230.23025 Best financial management practices; standards; reviews; designation of districts.--

(1) The purpose of best financial management practices reviews is to improve Florida school district management and use of resources and to identify cost savings.The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of school districts. In this system, ~~OPPAGA and~~ the Auditor General shall assist OPPAGA in examining ~~jointly examine~~

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1 district operations to determine whether they meet "best
2 financial management practices."

3 (2) The best financial management practices adopted by
4 the Commissioner of Education may be updated periodically
5 after consultation with the Legislature, the Governor, the
6 SMART Schools Clearinghouse, the Department of Education,
7 school districts, ~~OPPAGA~~, and the Auditor General, ~~OPPAGA~~
8 shall submit to the Commissioner of Education for review and
9 adoption proposed revisions to the best financial management
10 practices adopted by the commissioner. The best financial
11 management practices, at a minimum, must instill public
12 confidence by addressing the school district's use of
13 resources; identifying ways that the district could save
14 funds; and improving districts' performance accountability
15 systems, including public accountability. To achieve these
16 objectives, best practices shall be developed for, but need
17 not be limited to, the following areas:

- 18 (a) Management structures.
- 19 (b) Performance accountability.
- 20 (c) Efficient delivery of educational services,
21 including instructional materials.
- 22 (d) Administrative and instructional technology.
- 23 (e) Personnel systems and benefits management.
- 24 (f) Facilities construction.
- 25 (g) Facilities maintenance.
- 26 (h) Student transportation.
- 27 (i) Food service operations.
- 28 (j) Cost control systems, including asset management,
29 risk management, financial management, purchasing, internal
30 auditing, and financial auditing.

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1 In areas for which the commissioner has not adopted best
2 practices, OPPAGA may develop additional best financial
3 management practices, with input from a broad range of
4 stakeholders. OPPAGA shall present any additional best
5 practices to the commissioner for review and adoption. Revised
6 best financial management practices adopted by the
7 commissioner must be used in the next year's scheduled school
8 district reviews conducted according to this section.

9 ~~(a) Efficient use of resources, use of lottery~~
10 ~~proceeds, student transportation and food service operations,~~
11 ~~management structures, and personnel systems and benefits,~~
12 ~~instructional materials, and administrative and instructional~~
13 ~~technology.~~

14 ~~(b) Compliance with generally accepted accounting~~
15 ~~principles and state and federal laws relating to financial~~
16 ~~management.~~

17 ~~(c) Performance accountability systems, including~~
18 ~~performance measurement reports to the public, internal~~
19 ~~auditing, financial auditing, and information made available~~
20 ~~to support decisionmaking.~~

21 ~~(d) Cost control systems, including asset, risk, and~~
22 ~~financial management, purchasing, and information system~~
23 ~~controls.~~

24 ~~(e) Safety and security practices at the district and~~
25 ~~school levels.~~

26 ~~(2) School districts may, by a unanimous vote of the~~
27 ~~membership of the school board, apply to OPPAGA for a complete~~
28 ~~best financial management practice review or a review of~~
29 ~~components of the best financial management practices,~~
30 ~~including management, personnel, transportation, and food and~~
31 ~~nutrition services. OPPAGA shall prioritize districts for~~

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1 ~~review based on their growth rates and demonstrated need for~~
2 ~~review. The director of OPPAGA may, at his or her discretion,~~
3 ~~contract with private consultants to perform part or all of~~
4 ~~the review of any district. Districts applying for a complete~~
5 ~~review shall contribute 50 percent of review costs, unless~~
6 ~~funding for the entire cost of the review is specifically~~
7 ~~provided by the Legislature. Districts applying for a review~~
8 ~~of a component shall contribute 75 percent of the review cost.~~
9 ~~All moneys contributed by any school district under this~~
10 ~~section toward the cost of a complete or component best~~
11 ~~financial management practices review of the district shall be~~
12 ~~deposited into the Florida School District Review Trust Fund~~
13 ~~administered by OPPAGA.~~

14 (3) OPPAGA shall contract with a private firm selected
15 through a formal request for proposal process to perform the
16 review, to the extent that funds are provided for this purpose
17 in the General Appropriations Act each year. When sufficient
18 funds are not provided to contract for all the scheduled best
19 financial management practices reviews, OPPAGA shall conduct
20 the remaining reviews scheduled for that year, except as
21 otherwise provided in this act. At least one member of the
22 private firm review team shall have expertise in school
23 district finance. The scope of the review shall focus on the
24 best practices adopted by the Commissioner of Education,
25 pursuant to subsection (2). OPPAGA may include additional
26 items in the scope of the review after seeking input from the
27 school district and the Department of Education.

28 (4) OPPAGA shall consult with the Commissioner of
29 Education throughout the best practices review process to
30 ensure that the technical expertise of the Department of
31 Education benefits the review process and supports the school

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1 districts before, during, and after the review.

2 (5) It is the intent of the Legislature that each
3 school district shall be subject to a best financial
4 management practices review. The Legislature also intends that
5 all school districts shall be reviewed on a continuing 5-year
6 cycle, as follows, unless specified otherwise in the General
7 Appropriations Act, or as provided in this act:

8 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
9 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
10 Monroe, Osceola, and Bradford.

11 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
12 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
13 and Franklin.

14 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
15 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
16 Liberty, and Lafayette.

17 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
18 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
19 Hardee, DeSoto, and Glades.

20 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
21 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
22 Washington, and Calhoun.

23 (6)(a) The Joint Legislative Auditing Committee may
24 adjust the schedule of districts to be reviewed when
25 unforeseen circumstances prevent initiation of reviews
26 scheduled in a given year.

27 (b) Once the 5-year cycle has been completed, reviews
28 shall continue, beginning again with those districts included
29 in year one of the cycle unless a district has requested and
30 received a waiver as provided in subsection (17).

31 (7) At the direction of the Joint Legislative Auditing

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1 Committee or the President of the Senate and the Speaker of
2 the House of Representatives, and subject to funding by the
3 Legislature, OPPAGA may conduct, or contract with a private
4 firm to conduct, up to two additional best financial
5 management practices reviews in districts not scheduled for
6 review during that year if such review is necessary to address
7 adverse financial conditions.

8 (8) Reviews shall be conducted by OPPAGA and the
9 consultant to the extent specifically funded by the
10 Legislature in the General Appropriations Act for this
11 purpose. Such funds may be used for the cost of reviews by
12 OPPAGA and private consultants contracted by the director of
13 OPPAGA. Costs may include professional services, travel
14 expenses of OPPAGA and staff of the Auditor General, and any
15 other necessary expenses incurred as part of a best financial
16 management practices review.

17 (9) Districts scheduled for review must complete a
18 self-assessment instrument provided by OPPAGA which indicates
19 the school district's evaluation of its performance on each
20 best practice. The district must begin the self-assessment not
21 later than 60 days prior to the commencement of the review.
22 The completed self-assessment instrument and supporting
23 documentation must be submitted to OPPAGA not later than the
24 date of commencement of the review as notified by OPPAGA. The
25 best practice review team will use this self-assessment
26 information during their review of the district.

27 (10) During the review, OPPAGA and the consultant
28 conducting the review, if any, shall hold at least one
29 advertised public forum as part of the review in order to
30 explain the best financial management practices review process
31 and obtain input from students, parents, the business

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1 community, and other district residents regarding their
2 concerns about the operations and management of the school
3 district.

4 (11)(3) District reviews conducted under this section
5 must be completed within 6 months after commencement. OPPAGA
6 shall issue a final report to the President of the Senate, the
7 Speaker of the House of Representatives, and the district
8 regarding the district's use of best its financial management
9 practices and cost savings recommendations within 60 days
10 after completing the reviews. Copies of the final report shall
11 be provided to the Governor, the Commissioner of Education,
12 and to the chairs of school advisory councils and district
13 advisory councils established pursuant to s. 229.58(1)(a) and
14 (b). The school district shall notify all members of the
15 school advisory councils and district advisory council by mail
16 that the final report has been delivered to the school
17 district and to the council chairs. The notification shall
18 also inform members of the OPPAGA web site address at which an
19 electronic copy of the report is available.

20 (12) After receipt of the final report and before the
21 school board votes whether to adopt the action plan, or if no
22 action plan was required because the district was found to be
23 using the best practices, the school district shall hold an
24 advertised public forum to accept public input and review the
25 findings and recommendations of the report. The district shall
26 advertise and promote this forum in a manner appropriate to
27 inform school and district advisory councils, parents, school
28 district employees, the business community, and other district
29 residents of the opportunity to attend this meeting. OPPAGA
30 and the consultant, if any, shall also be represented at this
31 forum.

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1 (13)(a) If the district is found not to conform to
 2 best financial management practices, the report must contain
 3 an ~~a plan of~~ action plan detailing how the district could meet
 4 the best practices within 2 years. The school board must
 5 decide, by a majority plus one vote within 90 days after
 6 receipt of the final report, whether or not to implement the
 7 action plan and pursue a "Seal of Best Financial Management"
 8 awarded by the State Board of Education to qualified school
 9 districts. If a district fails to vote on the action plan
 10 within 90 days, school board members may be required to appear
 11 and present testimony before a legislative committee, pursuant
 12 to s. 11.143.

13 (b) The school board may vote to reverse a decision
 14 not to implement an action plan, provided that the action plan
 15 is implemented and there is still sufficient time, as
 16 determined by the district school board, to meet the best
 17 practices within 2 years after issuance of the final report.

18 (c) Within 90 days after the receipt of the final
 19 report, the school board must notify OPPAGA and the
 20 Commissioner of Education in writing of the date and outcome
 21 of the school board vote on whether to adopt the action plan.
 22 If the school board fails to vote on whether to adopt the
 23 action plan, the superintendent must notify OPPAGA and the
 24 Commissioner of Education. The Department of Education may
 25 contact the school district, assess the situation, urge the
 26 school board to vote, and offer technical assistance, if
 27 needed.

28 (14)(4) If a school board votes to implement the
 29 action plan:

30 (a) No later than 1 year after receipt of the final
 31 report, the school district must ~~District school boards that~~

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1 ~~agree by a majority plus one vote to institute the action plan~~
2 ~~shall~~ submit an initial status annual report to the President
3 of the Senate, the Speaker of the House of Representatives
4 ~~Legislature, the Governor, the SMART Schools Clearinghouse,~~
5 OPPAGA, the Auditor General, the State Board of Education, and
6 the Commissioner of Education on progress made towards
7 implementing the action plan and whether changes have occurred
8 in other areas of operation that ~~which~~ would affect compliance
9 with the best practices.

10 (b) A second status report must be submitted by the
11 school district to the President of the Senate, the Speaker of
12 the House of Representatives, the Governor, OPPAGA, the
13 Auditor General, the Commissioner of Education, and the State
14 Board of Education no later than 1 year after submission of
15 the initial report.

16
17 Status reports are not required once OPPAGA concludes that the
18 district is using best practices. Such districts shall be
19 reviewed annually by OPPAGA, in addition to the annual
20 financial audit required under s. 11.45, to determine whether
21 they have attained compliance with the best financial
22 management practices in the areas covered by the plan.

23 (15) After receipt of each of a district's two status
24 reports required by subsection (14), OPPAGA shall assess the
25 district's implementation of the action plan and progress
26 toward implementing the best financial management practices in
27 areas covered by the plan. Following each assessment, OPPAGA
28 shall issue a report to the President of the Senate, the
29 Speaker of the House of Representatives, and the district
30 indicating whether the district has successfully implemented
31 the best financial management practices. Copies of the report

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1 must be provided to the Governor, the Auditor General, the
2 Commissioner of Education, and the State Board of Education.
3 If a district has failed to implement an action plan adopted
4 pursuant to subsection (13), school board members and the
5 school superintendent may be required to appear before a
6 legislative committee, pursuant to s. 11.143, to present
7 testimony regarding the district's failure to implement such
8 action plan.

9 (16) School districts that successfully implement the
10 best financial management practices within 2 years, or are
11 determined in the review to be using the best practices, are
12 eligible to receive a "Seal of Best Financial Management."
13 Upon notification to the Commissioner of Education and the
14 State Board of Education by OPPAGA that a district has been
15 districts that are found to be using ~~comply~~ with the best
16 financial management practices, the State Board of Education
17 shall award that district ~~shall receive~~ a "Seal of Best
18 Financial Management" ~~by the State Board of Education~~
19 certifying that the district is adhering to the state's best
20 financial management practices. The State Board of Education
21 ~~This~~ designation shall be effective for 5 years from the
22 certification date or until the next review is completed,
23 whichever is later ~~a 5-year period, after which the district~~
24 ~~school board may reapply for the designation to be granted~~
25 ~~after another financial management practice review.~~ During the
26 designation period, the district school board shall annually,
27 not later than the anniversary date of the certification,
28 notify ~~the SMART Schools Clearinghouse,~~ OPPAGA, the Auditor
29 General, the Commissioner of Education, and the State Board of
30 Education of any changes in policies or operations or any
31 other situations that would not conform to the state's best

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1 financial management practices. The State Board of Education
2 may revoke the designation of a district at any time if it
3 determines that a district is no longer complying with the
4 state's best financial management practices. If no such
5 changes have occurred and the school board determines that the
6 school district continues to conform to the best financial
7 management practices, the school board shall annually report
8 that information to the State Board of Education, with copies
9 to OPPAGA, the Auditor General, and the Commissioner of
10 Education.

11 (17)(a) The school board of a district that has been
12 awarded a "Seal of Best Financial Management" by the State
13 Board of Education and has annually reported to the State
14 Board of Education that the district is still conforming to
15 the best financial management practices may request a waiver
16 from undergoing its next scheduled Best Financial Management
17 Practices review.

18 (b) To apply for such waiver, not later than September
19 1 of the fiscal year prior to the fiscal year in which the
20 district is next scheduled for review, the school board shall
21 certify to OPPAGA and the Department of Education the school
22 board's determination that the school district is still
23 conforming to the best financial management practices.

24 (c) After consultation with the Department of
25 Education and review of the school board's determination,
26 OPPAGA may recommend to the Legislative Budget Commission that
27 the district be granted a waiver for the next scheduled Best
28 Financial Management Practices review. If approved for waiver,
29 OPPAGA shall notify the school district and the Department of
30 Education that no review of that district will be conducted
31 during the next scheduled review cycle. In that event, the

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1 school district must continue annual reporting to the State
2 Board of Education as required in subsection (16). Districts
3 granted a waiver for one review cycle are not eligible for
4 waiver of the next scheduled review cycle.

5 (18) School districts that receive a best financial
6 management practices review must maintain records that will
7 enable independent verification of the implementation of the
8 action plan and any related fiscal impacts.

9 (19) Unrestricted cost savings resulting from
10 implementation of the best financial management practices must
11 be spent at the school and classroom levels for teacher
12 salaries, teacher training, improved classroom facilities,
13 student supplies, textbooks, classroom technology, and other
14 direct student instruction activities. Cost savings
15 identified for a program that has restrictive expenditure
16 requirements shall be used for the enhancement of the specific
17 program.

18 ~~(5) Any audit or performance review of one or more of~~
19 ~~the designated components conducted or supervised by OPPAGA or~~
20 ~~the Department of Management Services, and completed within 2~~
21 ~~years before the date of application to OPPAGA for a best~~
22 ~~financial practices review, may serve as all or part of the~~
23 ~~audit or review required as the examination of district~~
24 ~~operations necessary for a determination of whether a district~~
25 ~~meets the "best financial management practices" designation.~~
26 ~~The cost contribution requirements of subsection (2) do not~~
27 ~~apply to any such audit or performance review.~~

28 Section 3. Section 11.515, Florida Statutes, is
29 repealed.

30 Section 4. Section 230.2302, Florida Statutes, is
31 repealed.

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1 Section 5. Section 230.23026, Florida Statutes, is
 2 repealed.

3 Section 6. Subsection (1) of section 11.51, Florida
 4 Statutes, is amended to read:

5 11.51 Office of Program Policy Analysis and Government
 6 Accountability.--

7 (1) There is hereby created the Office of Program
 8 Policy Analysis and Government Accountability as a unit of the
 9 Office of the Auditor General appointed pursuant to s. 11.42.
 10 The Such office shall perform independent examinations,
 11 program reviews, and other projects as provided by general
 12 law, as provided by concurrent resolution, or as directed by
 13 the Legislative Auditing Committee, and shall provide
 14 recommendations, training, or other services to assist the
 15 Legislature program evaluation and justification reviews as
 16 ~~required by s. 11.513 and performance audits as defined in s.~~
 17 ~~11.45 and shall contract for performance reviews of school~~
 18 ~~districts pursuant to ss. 11.515 and 230.2302.~~

19 Section 7. Subsection (4) of section 230.23027,
 20 Florida Statutes, is amended to read:

21 230.23027 Small School District Stabilization
 22 Program.--

23 (4) Effective July 1, 2000, and thereafter, when the
 24 Office of Tourism, Trade, and Economic Development authorizes
 25 a school district to participate in the program, the
 26 Legislature may give priority to that district for a best
 27 financial management practices review in the school district,
 28 subject to approval pursuant to s. 230.23025(7)as authorized
 29 ~~in s. 11.515,~~ to the extent that funding is provided annually
 30 for such purpose in the General Appropriations Act. The scope
 31 of the review shall be as set forth in s. 230.23025 ~~s. 11.515.~~

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1 (a) The district receives a "Seal of Best Financial
2 Management" as provided in s. 230.23025 or implements best
3 financial management practices applicable to in the area of
4 educational facilities as evidenced by a ~~partial~~ review under
5 s. 230.23025 ~~s. 230.2302~~.

6 Section 10. Land Acquisition and Facilities Advisory
7 Board.--

8 (1) The Legislature recognizes that effective land
9 acquisition and facilities operations are essential components
10 of Florida district school boards' ability to provide
11 facilities to accommodate the growing student population in
12 the state. To support and assist the school districts, it is
13 appropriate for the Legislature to make advisory resources
14 available to aid districts in meeting those needs.

15 (2) If the director of the Office of Program Policy
16 Analysis and Government Accountability (OPPAGA) or the Auditor
17 General determines in a review or examination that significant
18 deficiencies exist in a school district's land acquisition and
19 facilities operational processes, he or she shall certify to
20 the President of Senate, the Speaker of the House of
21 Representatives, the Legislative Budget Commission, and the
22 Governor that the deficiency exists. The Legislative Budget
23 Commission shall determine whether funds for the school
24 district will be placed in reserve until the deficiencies are
25 corrected.

26 (3) After receipt of that certification, the President
27 of the Senate, the Speaker of the House of Representatives,
28 and the Governor shall name a Land Acquisition and Facilities
29 Advisory Board to provide expert advice and assist in
30 improving the district's land acquisition and facilities
31 operational processes. Each Land Acquisition and Facilities

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1 Advisory Board shall consist of seven members and shall
 2 possess specific expertise needed to assist the school
 3 district in improving its deficient processes. The President
 4 of the Senate and the Speaker of the House shall each appoint
 5 two members, and the Governor shall appoint three members of
 6 the advisory board. Membership of each advisory board may be
 7 different for each district. Members shall serve without
 8 compensation but may be reimbursed for travel and per diem
 9 expenses in accordance with section 112.061, Florida Statutes.

10 (4) Within 30 days of its formation, the Land
 11 Acquisition and Facilities Advisory Board shall convene in the
 12 district and make all reasonable efforts to help the district
 13 correct deficiencies noted in the examination or audit of the
 14 district. The district must cooperate with the advisory board
 15 and provide information as requested.

16 (5) Within 60 days of convening, the Land Acquisition
 17 and Facilities Advisory Board shall assess the district's
 18 progress and corrective actions and report to the Commissioner
 19 of Education. The advisory board's report must address the
 20 release of any funds placed in reserve by the Executive Office
 21 of the Governor. Any recommendation from the advisory board
 22 for the release of funds shall include a certification that
 23 policies established, procedures followed, and expenditures
 24 made by the school board related to site acquisition and
 25 facilities planning and construction are consistent with
 26 recommendations of the Land Acquisition and Facilities
 27 Advisory Board and will accomplish corrective action and
 28 address recommendations made by the Office of Program Policy
 29 Analysis and Government Accountability and the Auditor
 30 General. If the advisory board does not recommend release of
 31 the funds held in reserve they shall provide additional

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1 assistance and submit a subsequent report 60 days after the
2 previous report.

3 (6) Upon certification by the advisory board that
4 corrective action has been taken, each Land Acquisition and
5 Facilities Advisory Board shall be disbanded.

6 Section 11. Paragraph (b) of subsection (22) of
7 section 159.27, Florida Statutes, is amended to read:

8 159.27 Definitions.--The following words and terms,
9 unless the context clearly indicates a different meaning,
10 shall have the following meanings:

11 (22) "Educational facility" means:

12 (b) Property that comprises the buildings and
13 equipment, structures, and special education use areas that
14 are built, installed, or established to serve primarily the
15 educational purposes of operating any nonprofit private
16 preschool, kindergarten, elementary school, middle school, or
17 high school that is established under chapter 617 or chapter
18 623, or that is owned or operated by an organization described
19 in s. 501(c)(3) of the United States Internal Revenue Code, or
20 operating any preschool, kindergarten, elementary school,
21 middle school, or high school that is owned or operated as
22 part of the state's system of public education, including, but
23 not limited to, a charter school or a developmental research
24 school operated under chapter 228. The requirements of this
25 part for the financing of projects through local agencies
26 shall also apply to such schools. Bonds issued under the
27 provisions of this part for such schools shall not be deemed
28 to constitute a debt, liability, or obligation of the state or
29 any political subdivision thereof, or a pledge of the faith
30 and credit of the state or of any such political subdivision,
31 but shall be payable solely from the revenues provided

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1 therefor.

2 Section 12. Section 228.056, Florida Statutes, is
3 amended to read:

4 228.056 Charter schools.--

5 (1) AUTHORIZATION.--The creation of charter schools is
6 hereby authorized. Charter schools shall be part of the
7 state's program of public education. All charter schools in
8 Florida are fully recognized as public schools. A charter
9 school may be formed by creating a new school or converting an
10 existing public school to charter status. A public school may
11 not use the term charter in its name unless it has been
12 approved under this section.

13 (2) PURPOSE.--The purpose of charter schools shall be
14 to:

15 (a) Improve student learning.

16 (b) Increase learning opportunities for all students,
17 with special emphasis on expanded learning experiences for
18 students who are identified as academically low achieving.

19 (c) Encourage the use of different and innovative
20 learning methods.

21 (d) Increase choice of learning opportunities for
22 students.

23 (e) Establish a new form of accountability for
24 schools.

25 (f) Require the measurement of learning outcomes and
26 create innovative measurement tools.

27 (g) Make the school the unit for improvement.

28 (h) Create new professional opportunities for
29 teachers, including the opportunity to own the learning
30 program at the school site.

31 (i) Provide rigorous competition within the public

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1 school district to stimulate continual improvement in all
2 public schools.

3 (j) Provide additional academic choices for parents
4 and students.

5 (k) Expand the capacity of the public school system.

6 (3) APPLICATION; UNLAWFUL REPRISAL.--

7 (a)1. An application for a new charter school may be
8 made by an individual, teachers, parents, a group of
9 individuals, a municipality, or a legal entity organized under
10 the laws of this state.

11 2. The district school board or the principal,
12 teachers, parents, and/or the school advisory council at an
13 existing public school that has been in operation for at least
14 2 years prior to the application to convert, including a
15 public school-within-a-school that is designated as a school
16 by the district school board, shall submit any application for
17 converting the school to a charter school. An application
18 submitted proposing to convert an existing public school to a
19 charter school shall demonstrate the support of at least 50
20 percent of the teachers employed at the school and 50 percent
21 of the parents voting whose children are enrolled at the
22 school, provided that a majority of the parents eligible to
23 vote participate in the ballot process, according to
24 procedures established by rules of the state board. A district
25 school board denying an application for a conversion charter
26 school shall provide notice of denial to the applicants in
27 writing within 30 days after the meeting at which the school
28 board denied the application. The notice must specify the
29 exact reasons for denial and must provide documentation
30 supporting those reasons.A private school, parochial school,
31 or home education program shall not be eligible for charter

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1 school status.

2 (b) No district school board, or district school board
3 employee who has control over personnel actions, shall take
4 unlawful reprisal against another district school board
5 employee because that employee is either directly or
6 indirectly involved with an application to establish a charter
7 school. As used in this subsection, the term "unlawful
8 reprisal" means an action taken by a district school board or
9 a school system employee against an employee who is directly
10 or indirectly involved in a lawful application to establish a
11 charter school, which occurs as a direct result of that
12 involvement, and which results in one or more of the
13 following: disciplinary or corrective action; adverse transfer
14 or reassignment, whether temporary or permanent; suspension,
15 demotion, or dismissal; an unfavorable performance evaluation;
16 a reduction in pay, benefits, or rewards; elimination of the
17 employee's position absent of a reduction in force as a result
18 of lack of moneys or work; or other adverse significant
19 changes in duties or responsibilities that are inconsistent
20 with the employee's salary or employment classification. The
21 following procedures shall apply to an alleged unlawful
22 reprisal which occurs as a consequence of an employee's direct
23 or indirect involvement with an application to establish a
24 charter school:

25 1. Within 60 days after a reprisal prohibited by this
26 subsection, an employee may file a complaint with the
27 Department of Education.

28 2. Within 3 working days after receiving a complaint
29 under this section, the department shall acknowledge receipt
30 of the complaint and provide copies of the complaint and any
31 other relevant preliminary information available to each of

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1 the other parties named in the complaint, which parties shall
2 each acknowledge receipt of such copies to the complainant.

3 3. If the department determines that the complaint
4 demonstrates reasonable cause to suspect that an unlawful
5 reprisal has occurred, the department shall conduct an
6 investigation to produce a fact-finding report.

7 4. Within 90 days after receiving the complaint, the
8 department shall provide the superintendent of schools of the
9 complainant's district and the complainant with a fact-finding
10 report that may include recommendations to the parties or
11 proposed resolution of the complaint. The fact-finding report
12 shall be presumed admissible in any subsequent or related
13 administrative or judicial review.

14 5. If the department determines that reasonable
15 grounds exist to believe that an unlawful reprisal has
16 occurred, is occurring, or is to be taken, and is unable to
17 conciliate a complaint within 60 days after receipt of the
18 fact-finding report, the department shall terminate the
19 investigation. Upon termination of any investigation, the
20 department shall notify the complainant and the superintendent
21 of schools of the termination of the investigation, providing
22 a summary of relevant facts found during the investigation and
23 the reasons for terminating the investigation. A written
24 statement under this paragraph is presumed admissible as
25 evidence in any judicial or administrative proceeding.

26 6. The department shall either contract with the
27 Division of Administrative Hearings under s. 120.65, or
28 otherwise provide for a complaint for which the department
29 determines reasonable grounds exist to believe that an
30 unlawful reprisal has occurred, is occurring, or is to be
31 taken, and is unable to conciliate, to be heard by a panel of

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1 impartial persons. Upon hearing the complaint, the panel must
2 make findings of fact and conclusions of law for a final
3 decision by the department.

4
5 It shall be an affirmative defense to any action brought
6 pursuant to this section that the adverse action was
7 predicated upon grounds other than, and would have been taken
8 absent, the employee's exercise of rights protected by this
9 section.

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

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

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

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

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

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

29 6. Temporary reinstatement to the employee's former
30 position or to an equivalent position, pending the final
31 outcome on the complaint, if it is determined that the action

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1 was not made in bad faith or for a wrongful purpose, and did
2 not occur after a district school board's initiation of a
3 personnel action against the employee which includes
4 documentation of the employee's violation of a disciplinary
5 standard or performance deficiency.

6 (4) SPONSOR.--A district school board may sponsor a
7 charter school in the county over which the board has
8 jurisdiction.

9 (a) A district school board shall receive and review
10 all applications for a charter school. A district school board
11 shall receive and consider charter school applications
12 received on or before October 1 of each calendar year for
13 charter schools to be opened at the beginning of the school
14 district's next school year, or to be opened at a time agreed
15 to by the applicant and the district school board. A district
16 school board may receive applications later than this date if
17 it chooses. A sponsor may not charge an applicant for a
18 charter any fee for the processing or consideration of an
19 application, and a sponsor may not base its consideration or
20 approval of an application upon the promise of future payment
21 of any kind.

22 1. In order to facilitate an accurate budget
23 projection process, a district school board shall be held
24 harmless for FTE students which are not included in the FTE
25 projection due to approval of charter school applications
26 after the FTE projection deadline. In a further effort to
27 facilitate an accurate budget projection, within 15 calendar
28 days after receipt of a charter school application, a district
29 school board or other sponsor shall report to the Department
30 of Education the name of the applicant entity, the proposed
31 charter school location, and its projected FTE.

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1 2. A district school board must by a majority vote
2 approve or deny an application no later than 60 calendar days
3 after the application is received, unless the district school
4 board and the applicant mutually agree to temporarily postpone
5 the vote to a specific date, at which time the district school
6 board must by a majority vote approve or deny the application.
7 If the district school board fails to act on the application,
8 an applicant may appeal to the State Board of Education as
9 provided in paragraph (b). If an application is denied, the
10 district school board must, within 10 calendar days,
11 articulate in writing the specific reasons based upon good
12 cause supporting its denial of the charter application.

13 3. For budget projection purposes, the district school
14 board or other sponsor shall report to the department the
15 approval or denial of a charter application within 10 calendar
16 days after such approval or denial. In the event of approval,
17 the report to the department must include the final projected
18 FTE for the approved charter school.

19 4. Upon approval of a charter application, the initial
20 startup must commence ~~be consistent~~ with the beginning of the
21 public school calendar for the district in which the charter
22 is granted unless the district school board allows a waiver of
23 this provision for good cause.

24 (b) An applicant may appeal any denial of that
25 applicant's application or failure to act on an application to
26 the State Board of Education no later than 30 calendar days
27 after receipt of the district school board's decision or
28 failure to act and shall notify the district school board of
29 its appeal. Any response of the school board shall be
30 submitted to the state board within 30 calendar days after
31 notification of the appeal. The state board must by majority

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1 vote accept or reject the decision of the district school
2 board no later than 60 calendar days after an appeal is filed
3 in accordance with state board rule. The state board may
4 reject an appeal submission for failure to comply with
5 procedural rules governing the appeals process. The rejection
6 shall describe the submission errors. The appellant may have
7 up to 15 calendar days from notice of rejection to resubmit an
8 appeal that meets requirements of rule. An application for
9 appeal submitted subsequent to such rejection shall be
10 considered timely if the original appeal was filed within 30
11 calendar days after receipt of notice of the specific reasons
12 for the school board's denial of the charter application ~~the~~
13 ~~school board denial~~. The state board shall remand the
14 application to the district school board with its written
15 recommendation that the district board approve or deny the
16 application consistent with the state board's decision. The
17 decision of the State Board of Education is not subject to the
18 provisions of the Administrative Procedure Act, chapter 120.

19 (c) The district school board must act upon the
20 recommendation of the State Board of Education within 30
21 calendar days after it is received. The district board may
22 fail to act in accordance with the recommendation of the state
23 board only for good cause. Good cause for failing to act in
24 accordance with the state board's recommendation arises only
25 if the district school board determines by competent
26 substantial evidence that approving the state board's
27 recommendation would be contrary to law or contrary to the
28 best interests of the pupils or the community. The district
29 school board must articulate in written findings the specific
30 reasons based upon good cause supporting its failure to act in
31 accordance with the state board's recommendation. The district

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1 board's action on the state board's recommendation is a final
2 action subject to judicial review.

3 (d) The Department of Education may provide technical
4 assistance to an applicant upon written request.

5 (e) Paragraph (a) notwithstanding, a state university
6 may grant a charter to a developmental research school created
7 under s. 228.053. In considering such charter, the state
8 university must consult with the district school board of the
9 county in which the developmental research school is located.
10 The decision of a state university may be appealed pursuant to
11 the procedure established in this subsection.

12 (f) The terms and conditions for the operation of a
13 charter school shall be set forth by the sponsor and the
14 applicant in a written contractual agreement, called a
15 charter. The sponsor shall not impose unreasonable rules or
16 regulations that violate the intent of giving charter schools
17 greater flexibility to meet educational goals. The applicant
18 and sponsor shall have 6 months in which to mutually agree to
19 the provisions of the charter. The Department of Education
20 shall provide mediation services for any dispute regarding
21 this section subsequent to the approval of a charter
22 application and for any dispute relating to the approved
23 charter, except disputes regarding charter school application
24 denials. If the Commissioner of Education determines that the
25 dispute cannot be settled through mediation, the dispute may
26 be appealed to an administrative law judge appointed by the
27 Division of Administrative Hearings. The administrative law
28 judge may rule on issues of equitable treatment of the charter
29 school as a public school, whether proposed provisions of the
30 charter violate the intended flexibility granted charter
31 schools by statute, or on any other matter regarding this

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1 section except a charter school application denial, and shall
2 award the prevailing party reasonable attorney's fees and
3 costs incurred to be paid by the losing party. The costs of
4 the administrative hearing shall be paid by the party whom the
5 administrative law judge rules against.

6 (g) The sponsor shall monitor and review the charter
7 school in its progress towards the goals established in the
8 charter.

9 (h) The sponsor shall monitor the revenues and
10 expenditures of the charter school.

11 (i) A charter school shall be exempt from the
12 sponsor's policies.

13 (5) CHARTER SCHOOL COOPERATIVES.--Charter schools may
14 enter into cooperative agreements to form charter school
15 cooperative organizations that may provide the following
16 services: charter school planning and development, direct
17 instructional services, contracts with charter school
18 governing boards to provide personnel administrative services,
19 payroll services, human resource management, evaluation and
20 assessment services, teacher preparation, and professional
21 development.

22 (6)(5) NUMBER OF SCHOOLS.--

23 (a) The number of newly created charter schools is
24 limited to no more than 28 in each school district that has
25 100,000 or more students, no more than 20 in each school
26 district that has 50,000 to 99,999 students, and no more than
27 12 in each school district with fewer than 50,000 students.

28 (b) An existing public school which converts to a
29 charter school shall not be counted towards the limit
30 established by paragraph (a).

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1 Notwithstanding any limit established by this subsection, a
2 district school board or a charter school applicant shall have
3 the right to request an increase of the limit on the number of
4 charter schools authorized to be established within the
5 district from the State Board of Education.

6 (7)~~(6)~~ ELIGIBLE STUDENTS.--

7 (a) A charter school shall be open to any student
8 covered in an interdistrict agreement or residing in the
9 school district in which the charter school is located;
10 however, in the case of a developmental research school
11 created under s. 228.053 to which a charter has been issued
12 under paragraph (4)(e), the charter school shall be open to
13 any student eligible to attend the developmental research
14 school as provided in s. 228.053 or who resides in the school
15 district in which the charter school is located. Any eligible
16 student shall be allowed interdistrict transfer to attend a
17 charter school when based on good cause. When a public school
18 converts to charter status, enrollment preference shall be
19 given to students who would have otherwise attended that
20 public school. A charter school may give enrollment preference
21 to a sibling of a student enrolled in the charter school, to
22 the child of a member of the governing board of the charter
23 school, or to the child of an employee of the charter school.

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

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

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- 1 1. Students within specific age groups or grade
2 levels.
- 3 2. Students considered at risk of dropping out of
4 school or academic failure. Such students shall include
5 exceptional education students.
- 6 3. Students enrolling in a charter
7 school-in-the-workplace or charter school-in-a-municipality
8 established pursuant to subsection (22).
- 9 4. Students residing within a reasonable distance of
10 the charter school, as described in paragraph (13)(c). Such
11 students shall be subject to a random lottery and to the
12 racial/ethnic balance provisions described in subparagraph
13 (9)(a)8. or any federal provisions which require a school to
14 achieve a racial/ethnic balance reflective of the community it
15 serves or within the racial/ethnic range of other public
16 schools in the same school district.
- 17 5. Students who meet reasonable academic, artistic, or
18 other eligibility standards established by the charter school
19 and included in the charter school application and charter or,
20 in the case of existing charter schools, standards that are
21 consistent with the school's mission and purpose. Such
22 standards must be in accordance with current state law and
23 practice in public schools and may not discriminate against
24 otherwise qualified individuals.
- 25 6. Students articulating from one charter school to
26 another pursuant to an articulation agreement between the
27 charter schools which has been approved by the sponsor.
- 28 (d) A student may withdraw from a charter school at
29 any time and enroll in another public school as determined by
30 school board policy.
- 31 (e) Students with handicapping conditions and students

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1 served in English for Speakers of Other Languages programs
2 shall have an equal opportunity of being selected for
3 enrollment in a charter school.

4 (f) The capacity of the charter school shall be
5 determined annually by the governing board, in conjunction
6 with the sponsor, of the charter school in consideration of
7 the factors identified in this subsection.

8 (8)(7) LEGAL ENTITY.--A charter school shall organize
9 as, or be operated by, a nonprofit organization. A charter
10 school may be operated by a municipality or other public
11 entity as provided for by law. As such, the charter school may
12 be either a private or a public employer. As a public
13 employer, a charter school may participate in the Florida
14 Retirement System upon application and approval as a "covered
15 group" under s. 121.021(34). If a charter school participates
16 in the Florida Retirement System, the charter school employees
17 shall be compulsory members of the Florida Retirement System.
18 As either a private or a public employer, a charter school may
19 contract for services with an individual or group of
20 individuals who are organized as a partnership or a
21 cooperative. Individuals or groups of individuals who contract
22 their services to the charter school are not public employees.

23 (9)(8) REQUIREMENTS.--

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

27 (b) A charter school shall admit students as provided
28 in subsection (6).

29 (c) A charter school shall be accountable to its
30 sponsor for performance as provided in subsection (9).

31 (d) A charter school shall not charge tuition or fees,

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1 except those fees normally charged by other public schools.
2 However, a developmental research school to which a charter
3 has been issued pursuant to paragraph (4)(e) may charge a
4 student activity and service fee as authorized by s.
5 228.053(5).

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

8 (f) A charter school shall not violate the
9 antidiscrimination provisions of s. 228.2001.

10 (g) A charter school shall be subject to an annual
11 financial audit in a manner similar to that of a school
12 district.

13 (h) No organization shall hold more than 15 charters
14 statewide.

15 (i) In order to provide financial information that is
16 comparable to that reported for other public schools, charter
17 schools are to maintain all financial records which constitute
18 their accounting system:

19 1. In accordance with the accounts and codes
20 prescribed in the most recent issuance of the publication
21 titled "Financial and Program Cost Accounting and Reporting
22 for Florida Schools"; ~~or~~

23 2. At the discretion of the charter school governing
24 board, a charter school may elect to follow generally accepted
25 accounting standards for not-for-profit organizations, but
26 must reformat this information for reporting according to this
27 paragraph.

28
29 Charter schools are to provide annual financial report and
30 program cost report information in the state-required formats
31 for inclusion in district reporting in compliance with s.

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1 236.02(1). Charter schools which are operated by a
2 municipality or are a component unit of a parent nonprofit
3 organization may use the accounting system of the municipality
4 or the parent, but must reformat this information for
5 reporting according to this paragraph.

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

8 (10)(9) CHARTER.--The major issues involving the
9 operation of a charter school shall be considered in advance
10 and written into the charter. The charter shall be signed by
11 the governing body of the charter school and the sponsor,
12 following a public hearing to ensure community input.

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

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

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

24 3. The current incoming baseline standard of student
25 academic achievement, the outcomes to be achieved, and the
26 method of measurement that will be used. This section shall
27 include a detailed description for each of the following:

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

31 b. How these baseline rates will be compared to rates

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1 of academic progress achieved by these same students while
2 attending the charter school.

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

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

11 4. The methods used to identify the educational
12 strengths and needs of students and how well educational goals
13 and performance standards are met by students attending the
14 charter school. Included in the methods is a means for
15 ensuring accountability to its constituents by analyzing
16 student performance data and by evaluating the effectiveness
17 and efficiency of its major educational programs. Students in
18 charter schools shall, at a minimum, participate in the
19 statewide assessment program.

20 5. In secondary charter schools, a method for
21 determining that a student has satisfied the requirements for
22 graduation in s. 232.246.

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

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

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

31 9. The financial and administrative management of the

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

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

21 11. The term of the charter which shall provide for
22 cancellation of the charter if insufficient progress has been
23 made in attaining the student achievement objectives of the
24 charter and if it is not likely that such objectives can be
25 achieved before expiration of the charter. The initial term of
26 a charter shall be for 3, 4, or 5 years. In order to
27 facilitate access to long-term financial resources for charter
28 school construction, charter schools that are operated by a
29 municipality or other public entity as provided by law are
30 eligible for up to a 15-year charter, subject to approval by
31 the local school board. A developmental research school is

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1 eligible for a charter for a term of up to 15 years issued by
2 a state university pursuant to paragraph (4)(e). In addition,
3 to facilitate access to long-term financial resources for
4 charter school construction, charter schools that are operated
5 by a private, not-for-profit, s. 501(c)(3) status corporation
6 are eligible for up to a 10-year charter, subject to approval
7 by the local school board. Such long-term charters remain
8 subject to annual review and may be terminated during the term
9 of the charter, but only for specific good cause according to
10 the provisions set forth in subsection (10).

11 12. The facilities to be used and their location.

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

15 14. The governance structure of the school, including
16 the status of the charter school as a public or private
17 employer as required in subsection (7).

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

22 16. In the case of an existing public school being
23 converted to charter status, alternative arrangements for
24 current students who choose not to attend the charter school
25 and for current teachers who choose not to teach in the
26 charter school after conversion in accordance with the
27 existing collective bargaining agreement or school board
28 policy in the absence of a collective bargaining agreement.
29 However, alternative arrangements shall not be required for
30 current teachers who choose not to teach in a developmental
31 research school to which a charter has been issued pursuant to

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1 paragraph (4)(e), except as authorized by the employment
2 policies of the state university which grants the charter to
3 the developmental research school.

4 (b) A charter may be renewed every 5 school years,
5 provided that a program review demonstrates that the criteria
6 in paragraph (a) have been successfully accomplished and that
7 none of the grounds for nonrenewal established by paragraph
8 (10)(a) have been documented. In order to facilitate long-term
9 financing for charter school construction, charter schools
10 operating for a minimum of 2 years and demonstrating exemplary
11 academic programming and fiscal management are eligible for a
12 15-year charter renewal. Such long-term charter is subject to
13 annual review and may be terminated during the term of the
14 charter.

15 (c) A charter may be modified during its initial term
16 or any renewal term upon the recommendation of the sponsor or
17 the charter school governing board and the approval of both
18 parties to the agreement.

19 (d) The governing body of the charter school shall
20 exercise continuing oversight over charter school operations
21 and make annual progress reports to its sponsor, which upon
22 verification shall be forwarded to the Commissioner of
23 Education at the same time as other annual school
24 accountability reports. The report shall contain at least the
25 following information:

26 1. The charter school's progress towards achieving the
27 goals outlined in its charter.

28 2. The information required in the annual school
29 report pursuant to s. 229.592.

30 3. Financial records of the charter school, including
31 revenues and expenditures.

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1 4. Salary and benefit levels of charter school
2 employees.

3 (e) A sponsor shall ensure that the charter is
4 innovative and consistent with the state education goals
5 established by s. 229.591.

6 (f) Upon receipt of the annual report required by
7 paragraph (d), the Department of Education shall provide to
8 the State Board of Education, the Commissioner of Education,
9 the President of the Senate, and the Speaker of the House of
10 Representatives an analysis and comparison of the overall
11 performance of charter school students, to include all
12 students whose scores are counted as part of the state
13 assessment program, versus comparable public school students
14 in the district as determined by the state assessment program
15 currently administered in the school district, and, as
16 appropriate, the Florida Writes Assessment Test, the High
17 School Competency Test, and other assessments administered
18 pursuant to s. 229.57(3).

19 (g) Whenever a municipality has submitted charter
20 applications for the establishment of a charter school feeder
21 pattern (elementary, middle, and senior high schools), and
22 upon approval of each individual charter application by the
23 district school board, such applications will then be
24 designated as one charter for all purposes listed pursuant to
25 this section.

26 (11)~~(10)~~ CAUSES FOR NONRENEWAL OR TERMINATION.--

27 (a) At the end of the term of a charter, the sponsor
28 may choose not to renew the charter for any of the following
29 grounds:

30 1. Failure to meet the requirements for student
31 performance stated in the charter.

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1 2. Failure to meet generally accepted standards of
2 fiscal management.

3 3. Violation of law.

4 4. Other good cause shown.

5 (b) During the term of a charter, the sponsor may
6 terminate the charter for any of the grounds listed in
7 paragraph (a).

8 (c) At least 90 days prior to renewing or terminating
9 a charter, the sponsor shall notify the governing body of the
10 school of the proposed action in writing. The notice shall
11 state in reasonable detail the grounds for the proposed action
12 and stipulate that the school's governing body may, within 14
13 calendar days after receiving the notice, request an informal
14 hearing before the sponsor. The sponsor shall conduct the
15 informal hearing within 30 calendar days after receiving a
16 written request. The charter school's governing body may,
17 within 14 calendar days after receiving the sponsor's decision
18 to terminate or refuse to renew the charter, appeal the
19 decision pursuant to the procedure established in subsection
20 (4).

21 (d) A charter may be terminated immediately if the
22 sponsor determines that good cause has been shown or if the
23 health, safety, or welfare of the students is threatened. The
24 school district in which the charter school is located shall
25 assume operation of the school under these circumstances. The
26 charter school's governing board may, within 14 days after
27 receiving the sponsor's decision to terminate the charter,
28 appeal the decision pursuant to the procedure established in
29 subsection (4).

30 (e) When a charter is not renewed or is terminated,
31 the school shall be dissolved under the provisions of law

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1 under which the school was organized, and any unencumbered
2 public funds from the charter school shall revert to the
3 district school board. In the event a charter school is
4 dissolved or is otherwise terminated, all district school
5 board property and improvements, furnishings, and equipment
6 purchased with public funds shall automatically revert to full
7 ownership by the district school board, subject to complete
8 satisfaction of any lawful liens or encumbrances.

9 (f) If a charter is not renewed or is terminated, the
10 charter school governing body of the school is responsible for
11 all debts of the charter school. The district may not assume
12 the debt from any contract for services made between the
13 governing body of the school and a third party, except for a
14 debt that is previously detailed and agreed upon in writing by
15 both the district and the governing body of the school and
16 that may not reasonably be assumed to have been satisfied by
17 the district.

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

22 (12)~~(11)~~ EXEMPTION FROM STATUTES.--A charter school
23 shall operate in accordance with its charter and shall be
24 exempt from all statutes of the Florida School Code, except
25 those specifically applying to charter schools; those
26 pertaining to the provision of services to students with
27 disabilities; those pertaining to civil rights, including s.
28 228.2001, relating to discrimination; and those pertaining to
29 student health, safety, and welfare; or as otherwise required
30 by this section. A charter school shall not be exempt from the
31 following statutes: chapter 119, relating to public records,

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1 and s. 286.011, relating to public meetings and records,
2 public inspection, and penalties. The charter school's
3 governing board sponsor, upon request of a charter school, may
4 apply to the Commissioner of Education for a waiver of
5 provisions of chapters 230-239 which are applicable to charter
6 schools under this section, except that the provisions of
7 chapter 236 or chapter 237 shall not be eligible for waiver if
8 the waiver would affect funding allocations or create inequity
9 in public school funding. The Commissioner of Education must
10 confirm receipt of a waiver request from a charter school by
11 providing a copy of the request to the sponsor. The
12 commissioner may grant the waiver if necessary to implement
13 the school program and shall provide notice of the final
14 dispensation of the waiver request to the charter school
15 governing board and the charter school's sponsor.

16 (13)(12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

28 (d) The teachers at a charter school may choose to be
29 part of a professional group that subcontracts with the
30 charter school to operate the instructional program under the
31 auspices of a partnership or cooperative that they

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1 collectively own. Under this arrangement, the teachers would
2 not be public employees.

3 (e) Employees of a school district may take leave to
4 accept employment in a charter school upon the approval of the
5 district school board. While employed by the charter school
6 and on leave that is approved by the school board, the
7 employee may retain seniority accrued in that school district
8 and may continue to be covered by the benefit programs of that
9 school district, if the charter school and the district school
10 board agree to this arrangement and its financing. School
11 districts shall not require resignations of teachers desiring
12 to teach in a charter school. This paragraph shall not
13 prohibit a school board from approving alternative leave
14 arrangements consistent with chapter 231.

15 (f) Teachers employed by or under contract to a
16 charter school shall be certified as required by chapter 231.
17 A charter school governing board may employ or contract with
18 skilled selected noncertified personnel to provide
19 instructional services or to assist instructional staff
20 members as education paraprofessionals in the same manner as
21 defined in chapter 231, and as provided by State Board of
22 Education rule for charter school governing boards. A charter
23 school may not knowingly employ an individual to provide
24 instructional services or to serve as an education
25 paraprofessional if the individual's certification or
26 licensure as an educator is suspended or revoked by this or
27 any other state. A charter school may not knowingly employ an
28 individual who has resigned from a school district in lieu of
29 disciplinary action with respect to child welfare or safety,
30 or who has been dismissed for just cause by any school
31 district with respect to child welfare or safety. The

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1 qualifications of teachers shall be disclosed to parents.

2 (g) A charter school shall employ or contract with
3 employees who have been fingerprinted as provided in s.
4 231.02. Members of the governing board of the charter school
5 shall also be fingerprinted in a manner similar to that
6 provided in s. 231.02.

7 (14)~~(13)~~ REVENUE.--Students enrolled in a charter
8 school, regardless of the sponsorship, shall be funded as if
9 they are in a basic program or a special program, the same as
10 students enrolled in other public schools in the school
11 district. Funding for a chartered developmental research
12 school shall be as provided in s. 228.053(9).

13 (a) Each charter school shall report its student
14 enrollment to the district school board as required in s.
15 236.081, and in accordance with the definitions in s. 236.013.
16 The district school board shall include each charter school's
17 enrollment in the district's report of student enrollment. All
18 charter schools submitting student record information required
19 by the Department of Education shall comply with the
20 department's guidelines for electronic data formats for such
21 data, and all districts shall accept electronic data that
22 complies with the department's electronic format.

23 (b) The basis for the agreement for funding students
24 enrolled in a charter school shall be the sum of the school
25 district's operating funds from the Florida Education Finance
26 Program as provided in s. 236.081 and the General
27 Appropriations Act, including gross state and local funds,
28 discretionary lottery funds, and funds from the school
29 district's current operating discretionary millage levy;
30 divided by total funded weighted full-time equivalent students
31 in the school district; multiplied by the weighted full-time

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1 equivalent students for the charter school. Charter schools
2 whose students or programs meet the eligibility criteria in
3 law shall be entitled to their proportionate share of
4 categorical program funds included in the total funds
5 available in the Florida Education Finance Program by the
6 Legislature, including transportation. Total funding for each
7 charter school will be recalculated during the year to reflect
8 the revised calculations under the Florida Education Finance
9 Program by the state and the actual weighted full-time
10 equivalent students reported by the charter school during the
11 full-time equivalent student survey periods designated by the
12 Commissioner of Education.

13 (c) Transportation of charter school students shall be
14 provided by the charter school consistent with the
15 requirements of chapter 234. The governing body of the charter
16 school may provide transportation through an agreement or
17 contract with the district school board, a private provider,
18 or parents. The charter school and the sponsor shall cooperate
19 in making arrangements that ensure that transportation is not
20 a barrier to equal access for all students residing within a
21 reasonable distance of the charter school as determined in its
22 charter.

23 (d) If the district school board is providing programs
24 or services to students funded by federal funds, any eligible
25 students enrolled in charter schools in the school district
26 shall be provided federal funds for the same level of service
27 provided students in the schools operated by the district
28 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
29 10306, all charter schools shall receive all federal funding
30 for which the school is otherwise eligible, including Title I
31 funding, not later than 5 months after the charter school

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1 first opens and within 5 months after any subsequent expansion
2 of enrollment.

3 (e) Any administrative fee charged by the school
4 district relating to a charter school shall be limited to 5
5 percent of the available funds as defined in paragraph (b) not
6 including capital outlay funds, federal and state grants, or
7 any other funds unless explicitly provided by law. The sponsor
8 shall provide certain administrative and educational services
9 to charter schools at no additional fee. These services shall
10 include contract management services, FTE and data reporting,
11 exceptional student education administration, test
12 administration, processing of teacher certificate data, and
13 information services.

14 (f) School boards shall make every effort to ensure
15 that charter schools receive timely and efficient
16 reimbursement, including processing paperwork required to
17 access special state and federal funding for which they may be
18 eligible. The district school board may distribute funds to a
19 charter school for up to 3 months based on the projected
20 full-time equivalent student membership of the charter school.
21 Thereafter, the results of full-time equivalent student
22 membership surveys must be used in adjusting the amount of
23 funds distributed monthly to the charter school for the
24 remainder of the fiscal year. The payment shall be issued no
25 later than 10 working days after the district school board
26 receives a distribution of state or federal funds. If a
27 warrant for payment is not issued within 30 working days after
28 receipt of funding by the district school board, the school
29 district shall pay to the charter school, in addition to the
30 amount of the scheduled disbursement, interest at a rate of 1
31 percent per month calculated on a daily basis on the unpaid

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1 balance from the expiration of the 30-day period until such
2 time as the warrant is issued.

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

21 (h) If other goods and services are made available to
22 the charter school through the contract with the school
23 district, they shall be provided to the charter school at a
24 rate no greater than the district's actual cost. To maximize
25 the use of state funds, school districts shall allow charter
26 schools to participate in the sponsor's bulk purchasing
27 program if applicable.

28 ~~(15)(14)~~ IMMUNITY.--For the purposes of tort
29 liability, the governing body and employees of a charter
30 school shall be governed by s. 768.28.

31 ~~(16)(15)~~ LENGTH OF SCHOOL YEAR.--A charter school

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1 shall provide instruction for at least the number of days
2 required by law for other public schools, and may provide
3 instruction for additional days.

4 (17)~~(16)~~ FACILITIES.--

5 (a) A charter school shall utilize facilities which
6 comply with the State Uniform Building Code for Public
7 Educational Facilities Construction adopted pursuant to s.
8 235.26 or with applicable state minimum building codes
9 pursuant to chapter 553 and state minimum fire protection
10 codes pursuant to s. 633.025, as adopted by the authority in
11 whose jurisdiction the facility is located.

12 (b) Any facility, or portion thereof, used to house a
13 charter school whose charter has been approved by the sponsor
14 and the governing board, pursuant to subsection (9), shall be
15 exempt from ad valorem taxes pursuant to s. 196.1983.

16 (c) After January 1, 2001, charter school facilities
17 shall utilize facilities which comply with the Florida
18 Building Code, pursuant to chapter 553, and the Florida Fire
19 Prevention Code, pursuant to chapter 633.

20 (18)~~(17)~~ INITIAL COSTS.--A sponsor may approve a
21 charter for a charter school before the applicant has secured
22 space, equipment, or personnel, if the applicant indicates
23 approval is necessary for it to raise working capital.

24 (19)~~(18)~~ INFORMATION.--The Department of Education
25 shall provide information to the public, directly and through
26 sponsors, both on how to form and operate a charter school and
27 on how to enroll in charter schools once they are created.
28 This information shall include a standard application format
29 which shall include the information specified in subsection
30 (9). This application format may be used by chartering
31 entities.

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1 ~~(20)~~(19) GENERAL AUTHORITY.--A charter school shall
2 not levy taxes or issue bonds secured by tax revenues.

3 ~~(21)~~(20) REVIEW.--

4 (a) The Department of Education shall regularly
5 convene a Charter School Review Panel in order to review
6 issues, practices, and policies regarding charter schools. The
7 composition of the review panel shall include individuals with
8 experience in finance, administration, law, education, and
9 school governance, and individuals familiar with charter
10 school construction and operation. The panel shall include two
11 appointees each from the Commissioner of Education, the
12 President of the Senate, and the Speaker of the House of
13 Representatives. The Governor shall appoint three members of
14 the panel and shall designate the chair. Each member of the
15 panel shall serve a 1-year term, unless renewed by the office
16 making the appointment. The panel shall make recommendations
17 to the Legislature, to the Department of Education, to charter
18 schools, and to school districts for improving charter school
19 operations and oversight and for ensuring best business
20 practices at and fair business relationships with charter
21 schools.

22 (b) The Legislature shall review the operation of
23 charter schools during the 2005 Regular Session of the
24 Legislature.

25 ~~(22)~~(21) RULEMAKING.--The Department of Education,
26 after consultation with school districts and charter school
27 directors, shall recommend that the State Board of Education
28 adopt rules to implement specific subsections of this section.
29 Such rules shall require minimum paperwork and shall not limit
30 charter school flexibility authorized by statute.

31 ~~(23)~~(22) CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER

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1 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS

2 IN-A-MUNICIPALITY.--

3 (a) In order to increase business partnerships in
4 education, to reduce school and classroom overcrowding
5 throughout the state, to encourage developers of residential
6 and other projects to provide school infrastructure concurrent
7 with school impacts, to promote and encourage local
8 communities to participate in and advance the cause of
9 neighborhood schools,and to offset the high costs for
10 educational facilities construction, the Legislature intends
11 to encourage the formation of business partnership schools or
12 satellite learning centers through charter school status.

13 (b) A charter school-in-the-workplace may be
14 established when a business partner provides the school
15 facility to be used; enrolls students based upon a random
16 lottery which involves all of the children of employees of
17 that business or corporation who are seeking enrollment, as
18 provided for in subsection (6); and enrolls students according
19 to the racial/ethnic balance provisions described in
20 subparagraph (9)(a)8. Any portion of a facility used for a
21 public charter school shall be exempt from ad valorem taxes,
22 as provided for in s. 235.198, for the duration of its use as
23 a public school.

24 (c) A charter school-in-a-municipality designation may
25 be granted to a municipality that possesses a charter; enrolls
26 students based upon a random lottery that involves all of the
27 children of the residents of that municipality who are seeking
28 enrollment, as provided for in subsection (6); and enrolls
29 students according to the racial/ethnic balance provisions
30 described in subparagraph (9)(a)8. Any portion of the land and
31 facility used for a public charter school shall be exempt from

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1 ad valorem taxes, as provided for in s. 235.198, for the
2 duration of its use as a public school.

3 (d) As used in this subsection, the terms "business
4 partner," "employer," "developer," or "municipality" may
5 include more than one business, employer, developer, or
6 municipality to form a charter school-in-the-workplace,
7 charter school-in-a-development, or charter
8 school-in-a-municipality.

9 Section 13. Subsection (1) of section 228.0561,
10 Florida Statutes, is amended to read:

11 228.0561 Charter schools capital outlay funding.--

12 (1) In each year in which funds are appropriated for
13 charter school capital outlay purposes, the Commissioner of
14 Education shall allocate the funds among eligible charter
15 schools. To be eligible for a funding allocation, a charter
16 school must meet the provisions of subsection (6), must have
17 received final approval from its sponsor pursuant to s.
18 228.056 for operation during that fiscal year, and must serve
19 students in facilities that are not provided by the charter
20 school's sponsor. Prior to the release of capital outlay
21 funds to a school district on behalf of the charter school,
22 the Department of Education shall ensure that the district
23 school board and the charter school governing board enter into
24 a written agreement that includes provisions for the reversion
25 of any unencumbered funds and all equipment and property
26 purchased with public education funds to the ownership of the
27 district school board, as provided for in subsection (3), in
28 the event that the school terminates operations. Any funds
29 recovered by the state shall be deposited in the General
30 Revenue Fund. A charter school is not eligible for a funding
31 allocation if it was created by the conversion of a public

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1 school and operates in facilities provided by the charter
2 school's sponsor for a nominal fee or at no charge or if it is
3 directly or indirectly operated by the school district. Unless
4 otherwise provided in the General Appropriations Act, the
5 funding allocation for each eligible charter school shall be
6 determined by multiplying the school's projected student
7 enrollment by one-fifteenth of the cost-per-student station
8 specified in s. 235.435(6)(b) for an elementary, middle, or
9 high school, as appropriate. If the funds appropriated are
10 not sufficient, the commissioner shall prorate the available
11 funds among eligible charter schools. Funds shall be
12 distributed on the basis of the capital outlay full-time
13 equivalent membership by grade level, which shall be
14 calculated by averaging the results of the second and third
15 enrollment surveys. The Department of Education shall
16 distribute capital outlay funds monthly, beginning in the
17 first quarter of the fiscal year, based on one-twelfth of the
18 amount the department reasonably expects the charter school to
19 receive during that fiscal year. The commissioner shall adjust
20 subsequent distributions as necessary to reflect each charter
21 school's actual student enrollment as reflected in the second
22 and third enrollment surveys.~~Sixty percent of the funds shall~~
23 ~~be distributed after the second enrollment survey, and the~~
24 ~~balance shall be distributed after the third enrollment~~
25 ~~survey. The commissioner shall adjust subsequent distributions~~
26 ~~as necessary to reflect each charter school's actual student~~
27 ~~enrollment.~~The commissioner shall establish the intervals and
28 procedures for determining the projected and actual student
29 enrollment of eligible charter schools.

30 Section 14. Paragraph (d) is added to subsection (3)
31 of section 232.425, Florida Statutes, to read:

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1 232.425 Student standards for participation in
2 interscholastic extracurricular student activities;
3 regulation.--

4 (3)

5 (d) An individual charter school student pursuant to
6 s. 228.056 is eligible to participate at the public school to
7 which the student would be assigned according to district
8 school attendance area policies or which the student could
9 choose to attend, pursuant to district or interdistrict
10 controlled open-enrollment provisions, in any interscholastic
11 extracurricular activity of that school, unless such activity
12 is provided by the student's charter school, if the following
13 conditions are met:

14 1. The charter school student must meet the
15 requirements of the charter school education program as
16 determined by the charter school governing board.

17 2. During the period of participation at a school, the
18 charter school student must demonstrate educational progress
19 as required in paragraph (b).

20 3. The charter school student must meet the same
21 residency requirements as other students in the school at
22 which he or she participates.

23 4. The charter school student must meet the same
24 standards of acceptance, behavior, and performance that are
25 required of other students in extracurricular activities.

26 5. The charter school student must register with the
27 school his or her intent to participate in interscholastic
28 extracurricular activities as a representative of the school
29 before the beginning date of the season for the activity in
30 which he or she wishes to participate. A charter school
31 student must be able to participate in curricular activities

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1 if that is a requirement for an extracurricular activity.

2 6. A student who transfers from a charter school
3 program to a traditional public school before or during the
4 first grading period of the school year is academically
5 eligible to participate in interscholastic extracurricular
6 activities during the first grading period if the student has
7 a successful evaluation from the previous school year,
8 pursuant to subparagraph 2.

9 7. Any public school or nonpublic school student who
10 has been unable to maintain academic eligibility for
11 participation in interscholastic extracurricular activities is
12 ineligible to participate in such activities as a charter
13 school student until the student has successfully completed
14 one grading period in a charter school pursuant to
15 subparagraph 2. to become eligible to participate as a charter
16 school student.

17 Section 15. This act shall take effect July 1, 2001.

18
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled
26 An act relating to school district best
27 financial management practices reviews;
28 creating the "Sharpening the Pencil Act";
29 amending s. 230.23025, F.S.; providing
30 legislative intent; providing OPPAGA with
31 primary responsibility for the completion of

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1 best financial practices reviews; revising
2 areas in which best financial management
3 practices are to be developed and adopted;
4 revising and clarifying the best financial
5 management practices adoption and revision
6 process; clarifying that OPPAGA shall contract
7 with a private firm to perform reviews,
8 provided the review team has certain expertise;
9 authorizing OPPAGA to complete reviews under
10 certain circumstances; authorizing the
11 inclusion of review items in addition to the
12 adopted best financial management practices,
13 after consultation with the school district;
14 requiring consultation with the Commissioner of
15 Education throughout the best-practices-review
16 process; establishing a continuing 5-year
17 review cycle; authorizing the Joint Legislative
18 Auditing Committee to adjust the schedule under
19 certain circumstances; authorizing the review
20 of additional school districts under certain
21 circumstances; specifying that reviews shall be
22 conducted to the extent funded by the
23 Legislature; specifying the use of such funds;
24 providing for district self-assessments;
25 requiring public forums to review final
26 reports; requiring copies of the final report
27 issued by OPPAGA to be provided to additional
28 entities; providing for electronic access to
29 reports; requiring public meetings; revising
30 provisions relating to eligibility for the
31 "Seal of Best Financial Management";

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1 establishing requirements relating to status
2 reports; requiring OPPAGA to review a
3 district's status reports, assess
4 implementation of the action plan, and assess
5 progress toward implementing the best financial
6 management practices and to issue a report;
7 providing for appearance of school officials
8 before the Legislature upon failure to
9 implement an adopted action plan; clarifying
10 provisions relating to the award of the "Seal
11 of Best Financial Management"; providing for
12 waiver of subsequent reviews under certain
13 circumstances; requiring school districts that
14 are reviewed to maintain certain records;
15 specifying use of cost savings; repealing s.
16 11.515, F.S., relating to school district
17 performance reviews; repealing s. 230.2302,
18 F.S., relating to performance reviews;
19 repealing s. 230.23026, F.S., relating to the
20 Florida School District Review Trust Fund;
21 amending s. 11.51, F.S., revising duties of the
22 Office of Program Policy Analysis and
23 Government Accountability; amending s.
24 230.23027, F.S., relating to the Small School
25 District Stabilization Program; conforming
26 provisions to changes made by the act; amending
27 s. 233.43, F.S., relating to duties of
28 superintendent relating to instructional
29 materials; conforming a cross-reference;
30 amending s. 235.2197, F.S., relating to the
31 Florida Frugal Schools Program; conforming

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1 cross-references; creating the Land Acquisition
2 and Facilities Advisory Board; providing for
3 appointment of members; providing a review
4 process; providing for board dissolution;
5 amending s. 159.27, F.S.; redefining the term
6 "educational facility" for purposes of part II
7 of ch. 159, F.S., the Florida Industrial
8 Development Financing Act, to include charter
9 schools and developmental research schools;
10 amending s. 228.056, F.S.; providing
11 requirements for conversion to charter schools;
12 establishing new purposes for charter schools;
13 prohibiting a sponsor from charging an
14 application fee; removing a school board's
15 ability to refuse to follow the recommendation
16 of the State Board of Education for good cause
17 in cases of charter-school appeals; permitting
18 a charter school to admit students on the basis
19 of artistic, academic, or other standards;
20 revising requirements regarding the capacity of
21 the charter school; granting a charter school's
22 governing board the right to appeal a school
23 board's decision to terminate a charter school;
24 changing the procedure for granting a charter
25 school an exemption from statutory provisions;
26 revising the requirements for the staff of a
27 charter school; revising procedures relating to
28 the administrative fee charged by a school
29 district; revising requirements for a charter
30 school in the workplace; amending s. 228.0561,
31 F.S.; revising procedures relating to funding

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1 for charter-school facilities; amending s.
2 232.425, F.S.; authorizing charter school
3 students to participate at the public school to
4 which the student would be assigned in any
5 interscholastic extracurricular activity of
6 that school; providing an effective date.
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