



CHAMBER ACTION

The Committee on Appropriations recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; providing guiding principles; requiring an emphasis on reading; requiring certain accountability measures; authorizing community colleges to develop charter schools; revising application requirements; requiring fiscal projections in a charter application; extending the time allowed for the State Board of Education to act on an appeal; requiring auditors to provide notification of certain financial conditions; providing additional requirements for a charter school's annual report; eliminating limitations on the number of charter schools per school district; revising administrative fees charged by the sponsor for the provision of services; providing a report to the Governor; amending s. 1002.32, F.S.; correcting a cross reference; providing exceptions to the one lab school per university limitation; revising provisions relating to funding for lab schools; revising provisions relating to employees of lab schools; amending



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29 | s. 1011.68, F.S.; correcting a cross reference; amending
30 | s. 1013.62, F.S.; revising eligibility criteria for
31 | charter school capital outlay funding; revising purposes
32 | for charter school capital outlay funds; providing
33 | allocation criteria for future charter school capital
34 | outlay appropriations; providing an effective date.
35 |

36 | WHEREAS, in the 2002-2003 school year, Florida has 223
37 | charter schools educating approximately 51,000 Florida students,
38 | with a projected increase of 117 additional charter schools in
39 | the next school year, and

40 | WHEREAS, this rate of growth is a dramatic increase over
41 | the prior averages of 36 charter schools per year, and

42 | WHEREAS, while charter schools are public schools, their
43 | unique populations or small size mean that few of them are
44 | eligible for inclusion in the state's accountability system,
45 | with only 38 of the 173 charter schools receiving a school
46 | performance grade in 2002, and

47 | WHEREAS, the issue of charter school accountability is of
48 | the utmost importance at this time of budget constraints and
49 | heightened awareness of public ethics, NOW, THEREFORE,

50 |

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

52 |

53 | Section 1. Subsections (2), (5), (6), (7), (8), (9), (10),
54 | (13), (21), and (24) of section 1002.33, Florida Statutes, are
55 | amended and present subsections (14) through (26) are renumbered
56 | as subsections (13) through (25), respectively, to read:



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- 57 | 1002.33 Charter schools.--
- 58 | (2) GUIDING PRINCIPLES; PURPOSE.--
- 59 | (a) Charter schools in Florida shall be guided by the
- 60 | following principles:
- 61 | 1. Meet high standards of student achievement while
- 62 | providing parents flexibility to choose among diverse
- 63 | educational opportunities within the state's public school
- 64 | system.
- 65 | 2. Promote enhanced academic success and financial
- 66 | efficiency by aligning responsibility with accountability.
- 67 | 3. Provide parents with sufficient information on whether
- 68 | their child is reading at grade level and whether the child
- 69 | gains at least a year's worth of learning for every year spent
- 70 | in the charter school.
- 71 | (b)(a) Charter schools shall fulfill the following
- 72 | purposes:
- 73 | 1. Improve student learning and academic achievement.
- 74 | 2. Increase learning opportunities for all students, with
- 75 | special emphasis on low-performing students and reading.
- 76 | 3. Create new professional opportunities for teachers,
- 77 | including ownership of the learning program at the school site.
- 78 | 4. Encourage the use of innovative learning methods.
- 79 | 5. Require the measurement of learning outcomes.
- 80 | (c)(b) Charter schools may fulfill the following purposes:
- 81 | 1. Create innovative measurement tools.
- 82 | 2. Provide rigorous competition within the public school
- 83 | district to stimulate continual improvement in all public
- 84 | schools.



85 | 3. Expand the capacity of the public school system.
 86 | (5) SPONSOR; DUTIES.--
 87 | (a) Sponsoring entities.--
 88 | 1. A district school board may sponsor a charter school in
 89 | the county over which the district school board has
 90 | jurisdiction.
 91 | 2.~~(b)~~ A state university may grant a charter to a lab
 92 | school created under s. 1002.32 and shall be considered to be
 93 | the school's sponsor. Such school shall be considered a charter
 94 | lab school.
 95 | (b) Sponsor duties.--
 96 | 1.~~(e)~~ The sponsor shall monitor and review the charter
 97 | school in its progress toward the goals established in the
 98 | charter.
 99 | 2.~~(d)~~ The sponsor shall monitor the revenues and
 100 | expenditures of the charter school.
 101 | 3.~~(e)~~ The sponsor may approve a charter for a charter
 102 | school before the applicant has secured space, equipment, or
 103 | personnel, if the applicant indicates approval is necessary for
 104 | it to raise working capital.
 105 | 4.~~(f)~~ The sponsor's policies shall not apply to a charter
 106 | school.
 107 | 5.~~(g)~~ The A sponsor shall ensure that the charter is
 108 | innovative and consistent with the state education goals
 109 | established by s. 1000.03(5).
 110 | 6. The sponsor shall ensure that the charter school
 111 | participates in the state's education accountability system. If
 112 | a charter school falls short of performance measures included in



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113 the approved charter, the sponsor shall report such shortcomings
114 to the Department of Education.

115
116 A community college may work with the school district or school
117 districts in its designated service area to develop charter
118 schools that offer secondary education. These charter schools
119 must include an option for students to receive an associate
120 degree upon high school graduation. District school boards shall
121 cooperate with and assist the community college on the charter
122 application. Community college applications for charter schools
123 are not subject to the time deadlines outlined in subsection (6)
124 and may be approved by the district school board at any time
125 during the year. Community colleges shall not report FTE for any
126 students who receive FTE funding through the Florida Education
127 Finance Program.

128 (6) APPLICATION PROCESS AND REVIEW.--Beginning September
129 1, 2003, applications are subject to the following requirements:

130 (a) A person or entity wishing to open a charter school
131 shall prepare an application that:

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

135 2. Provides a detailed curriculum plan that illustrates
136 how students will be provided services to attain the Sunshine
137 State Standards.

138 3. Contains goals and objectives for improving student
139 learning and measuring that improvement. These goals and
140 objectives must indicate how much academic improvement students



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141 are expected to show each year, how success will be evaluated,
142 and the specific results to be attained through instruction.

143 4. Describes the reading curriculum and differentiated
144 strategies that will be used for students reading at grade level
145 or higher and a separate curriculum and strategies for students
146 who are reading below grade level. A sponsor shall deny a
147 charter if the school does not propose a reading curriculum that
148 is consistent with effective teaching strategies that are
149 grounded in scientifically based reading research.

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

156 (b)(a) A district school board shall receive and review
157 all applications for a charter school. A district school board
158 shall receive and consider charter school applications received
159 on or before September 1 ~~October 1~~ of each calendar year for
160 charter schools to be opened at the beginning of the school
161 district's next school year, or to be opened at a time agreed to
162 by the applicant and the district school board. A district
163 school board may receive applications later than this date if it
164 chooses. A sponsor may not charge an applicant for a charter any
165 fee for the processing or consideration of an application, and a
166 sponsor may not base its consideration or approval of an
167 application upon the promise of future payment of any kind.



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168 1. In order to facilitate an accurate budget projection
169 process, a district school board shall be held harmless for FTE
170 students who are not included in the FTE projection due to
171 approval of charter school applications after the FTE projection
172 deadline. In a further effort to facilitate an accurate budget
173 projection, within 15 calendar days after receipt of a charter
174 school application, a district school board or other sponsor
175 shall report to the Department of Education the name of the
176 applicant entity, the proposed charter school location, and its
177 projected FTE.

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

185 3.2- A district school board shall by a majority vote
186 approve or deny an application no later than 60 calendar days
187 after the application is received, unless the district school
188 board and the applicant mutually agree to temporarily postpone
189 the vote to a specific date, at which time the district school
190 board shall by a majority vote approve or deny the application.
191 If the district school board fails to act on the application,
192 an applicant may appeal to the State Board of Education as
193 provided in paragraph (c)~~(b)~~. If an application is denied, the
194 district school board shall, within 10 calendar days, articulate



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195 in writing the specific reasons based upon good cause supporting
196 its denial of the charter application.

197 ~~4.3.~~ For budget projection purposes, the district school
198 board or other sponsor shall report to the Department of
199 Education the approval or denial of a charter application within
200 10 calendar days after such approval or denial. In the event of
201 approval, the report to the Department of Education shall
202 include the final projected FTE for the approved charter school.

203 ~~5.4.~~ Upon approval of a charter application, the initial
204 startup shall commence with the beginning of the public school
205 calendar for the district in which the charter is granted unless
206 the district school board allows a waiver of this provision for
207 good cause.

208 ~~(c)(b)~~ An applicant may appeal any denial of that
209 applicant's application or failure to act on an application to
210 the State Board of Education no later than 30 calendar days
211 after receipt of the district school board's decision or failure
212 to act and shall notify the district school board of its appeal.
213 Any response of the district school board shall be submitted to
214 the State Board of Education within 30 calendar days after
215 notification of the appeal. Upon receipt of notification from
216 the State Board of Education that a charter school applicant is
217 filing an appeal, the Commissioner of Education shall convene a
218 meeting of the Charter School Appeal Commission to study and
219 make recommendations to the State Board of Education regarding
220 its pending decision about the appeal. The commission shall
221 forward its recommendation to the state board no later than 7
222 calendar days prior to the date on which the appeal is to be



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223 heard. The State Board of Education shall by majority vote
224 accept or reject the decision of the district school board no
225 later than 90 ~~60~~ calendar days after an appeal is filed in
226 accordance with State Board of Education rule. The Charter
227 School Appeal Commission may reject an appeal submission for
228 failure to comply with procedural rules governing the appeals
229 process. The rejection shall describe the submission errors. The
230 appellant may have up to 15 calendar days from notice of
231 rejection to resubmit an appeal that meets requirements of State
232 Board of Education rule. An application for appeal submitted
233 subsequent to such rejection shall be considered timely if the
234 original appeal was filed within 30 calendar days after receipt
235 of notice of the specific reasons for the district school
236 board's denial of the charter application. The State Board of
237 Education shall remand the application to the district school
238 board with its written decision that the district school board
239 approve or deny the application. The district school board shall
240 implement the decision of the State Board of Education. The
241 decision of the State Board of Education is not subject to the
242 provisions of the Administrative Procedure Act, chapter 120.

243 (d)~~(e)~~ The district school board shall act upon the
244 decision of the State Board of Education within 30 calendar days
245 after it is received. The State Board of Education's decision is
246 a final action subject to judicial review.

247 (e)~~(d)~~1. A Charter School Appeal Commission is established
248 to assist the commissioner and the State Board of Education with
249 a fair and impartial review of appeals by applicants whose



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250 charters have been denied or whose charter contracts have not
251 been renewed by their sponsors.

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

266 3. The commissioner shall appoint the members of the
267 Charter School Appeal Commission. Members shall serve without
268 compensation but may be reimbursed for travel and per diem
269 expenses in conjunction with their service. One-half of the
270 members must represent currently operating charter schools, and
271 one-half of the members must represent school districts. The
272 commissioner or a named designee shall chair the Charter School
273 Appeal Commission.

274 4. The chair shall convene meetings of the commission and
275 shall ensure that the written recommendations are completed and
276 forwarded in a timely manner. In cases where the commission
277 cannot reach a decision, the chair shall make the written



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278 recommendation with justification, noting that the decision was
279 rendered by the chair.

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

298 ~~(f)(e)~~ The Department of Education may provide technical
299 assistance to an applicant upon written request.

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



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305 (h)~~(g)~~ The terms and conditions for the operation of a
306 charter school shall be set forth by the sponsor and the
307 applicant in a written contractual agreement, called a charter.
308 The sponsor shall not impose unreasonable rules or regulations
309 that violate the intent of giving charter schools greater
310 flexibility to meet educational goals. The applicant and sponsor
311 shall have 6 months in which to mutually agree to the provisions
312 of the charter. The Department of Education shall provide
313 mediation services for any dispute regarding this section
314 subsequent to the approval of a charter application and for any
315 dispute relating to the approved charter, except disputes
316 regarding charter school application denials. If the
317 Commissioner of Education determines that the dispute cannot be
318 settled through mediation, the dispute may be appealed to an
319 administrative law judge appointed by the Division of
320 Administrative Hearings. The administrative law judge may rule
321 on issues of equitable treatment of the charter school as a
322 public school, whether proposed provisions of the charter
323 violate the intended flexibility granted charter schools by
324 statute, or on any other matter regarding this section except a
325 charter school application denial, and shall award the
326 prevailing party reasonable attorney's fees and costs incurred
327 to be paid by the losing party. The costs of the administrative
328 hearing shall be paid by the party whom the administrative law
329 judge rules against.

330 (7) CHARTER.--The major issues involving the operation of
331 a charter school shall be considered in advance and written into
332 the charter. The charter shall be signed by the governing body



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333 of the charter school and the sponsor, following a public
334 hearing to ensure community input.

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

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

339 2. The focus of the curriculum, the instructional methods
340 to be used, any distinctive instructional techniques to be
341 employed, and identification and acquisition of appropriate
342 technologies needed to improve educational and administrative
343 performance which include a means for promoting safe, ethical,
344 and appropriate uses of technology which comply with legal and
345 professional standards. The charter shall ensure that reading is
346 a primary focus of the curriculum and that resources are
347 provided to identify and provide specialized instruction for
348 students who are reading below grade level. The curriculum and
349 instructional strategies for reading must be consistent with the
350 Sunshine State Standards and grounded in scientifically based
351 reading research.

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

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



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

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

365 |
366 | The district school board is required to provide academic
367 | student performance data to charter schools for each of their
368 | students coming from the district school system, as well as
369 | rates of academic progress of comparable student populations in
370 | the district school system.

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

380 | 5. In secondary charter schools, a method for determining
381 | that a student has satisfied the requirements for graduation in
382 | s. 1003.43.

383 | 6. A method for resolving conflicts between the governing
384 | body of the charter school and the sponsor.

385 | 7. The admissions procedures and dismissal procedures,
386 | including the school's code of student conduct.



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

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

403 10. The asset and liability projections required in the
404 application which are incorporated into the charter and which
405 shall be compared with information provided in the annual report
406 of the charter school. The charter shall ensure that, if a
407 charter school internal audit reveals a deficit financial
408 position, the auditors are required to notify the charter school
409 governing board, the sponsor, and the Department of Education.
410 The internal auditor shall report such findings in the form of
411 an exit interview to the principal or the principal
412 administrator of the charter school and the chair of the
413 governing board within 7 working days after finding the deficit
414 position. A final report shall be provided to the entire



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415 governing board, the sponsor, and the Department of Education
416 within 14 working days after the exit interview.

417 ~~11.10.~~ A description of procedures that identify various
418 risks and provide for a comprehensive approach to reduce the
419 impact of losses; plans to ensure the safety and security of
420 students and staff; plans to identify, minimize, and protect
421 others from violent or disruptive student behavior; and the
422 manner in which the school will be insured, including whether or
423 not the school will be required to have liability insurance,
424 and, if so, the terms and conditions thereof and the amounts of
425 coverage.

426 ~~12.11.~~ The term of the charter which shall provide for
427 cancellation of the charter if insufficient progress has been
428 made in attaining the student achievement objectives of the
429 charter and if it is not likely that such objectives can be
430 achieved before expiration of the charter. The initial term of a
431 charter shall be for 3, 4, or 5 years. In order to facilitate
432 access to long-term financial resources for charter school
433 construction, charter schools that are operated by a
434 municipality or other public entity as provided by law are
435 eligible for up to a 15-year charter, subject to approval by the
436 district school board. A charter lab school is eligible for a
437 charter for a term of up to 15 years. In addition, to facilitate
438 access to long-term financial resources for charter school
439 construction, charter schools that are operated by a private,
440 not-for-profit, s. 501(c)(3) status corporation are eligible for
441 up to a 10-year charter, subject to approval by the district
442 school board. Such long-term charters remain subject to annual



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443 review and may be terminated during the term of the charter, but
444 only for specific good cause according to the provisions set
445 forth in subsection (8).

446 ~~13.12.~~ The facilities to be used and their location.

447 ~~14.13.~~ The qualifications to be required of the teachers
448 and the potential strategies used to recruit, hire, train, and
449 retain qualified staff to achieve best value.

450 ~~15.14.~~ The governance structure of the school, including
451 the status of the charter school as a public or private employer
452 as required in paragraph (12)(i).

453 ~~16.15.~~ A timetable for implementing the charter which
454 addresses the implementation of each element thereof and the
455 date by which the charter shall be awarded in order to meet this
456 timetable.

457 ~~17.16.~~ In the case of an existing public school being
458 converted to charter status, alternative arrangements for
459 current students who choose not to attend the charter school and
460 for current teachers who choose not to teach in the charter
461 school after conversion in accordance with the existing
462 collective bargaining agreement or district school board rule in
463 the absence of a collective bargaining agreement. However,
464 alternative arrangements shall not be required for current
465 teachers who choose not to teach in a charter lab school, except
466 as authorized by the employment policies of the state university
467 which grants the charter to the lab school.

468 (b) A charter may be renewed every 5 school years,
469 provided that a program review demonstrates that the criteria in
470 paragraph (a) have been successfully accomplished and that none



471 of the grounds for nonrenewal established by paragraph (8)(a)
 472 has been documented. In order to facilitate long-term financing
 473 for charter school construction, charter schools operating for a
 474 minimum of 2 years and demonstrating exemplary academic
 475 programming and fiscal management are eligible for a 15-year
 476 charter renewal. Such long-term charter is subject to annual
 477 review and may be terminated during the term of the charter.

478 (c) A charter may be modified during its initial term or
 479 any renewal term upon the recommendation of the sponsor or the
 480 charter school governing board and the approval of both parties
 481 to the agreement.

482 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

483 (a) At the end of the term of a charter, the sponsor may
 484 choose not to renew the charter for any of the following
 485 grounds:

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

490 2. Failure to meet generally accepted standards of fiscal
 491 management.

492 3. Violation of law.

493 4. Other good cause shown.

494 (b) During the term of a charter, the sponsor may
 495 terminate the charter for any of the grounds listed in paragraph
 496 (a).

497 (c) At least 90 days prior to renewing or terminating a
 498 charter, the sponsor shall notify the governing body of the



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499 school of the proposed action in writing. The notice shall state
500 in reasonable detail the grounds for the proposed action and
501 stipulate that the school's governing body may, within 14
502 calendar days after receiving the notice, request an informal
503 hearing before the sponsor. The sponsor shall conduct the
504 informal hearing within 30 calendar days after receiving a
505 written request. The charter school's governing body may, within
506 14 calendar days after receiving the sponsor's decision to
507 terminate or refuse to renew the charter, appeal the decision
508 pursuant to the procedure established in subsection (6).

509 (d) A charter may be terminated immediately if the sponsor
510 determines that good cause has been shown or if the health,
511 safety, or welfare of the students is threatened. The school
512 district in which the charter school is located shall assume
513 operation of the school under these circumstances. The charter
514 school's governing board may, within 14 days after receiving the
515 sponsor's decision to terminate the charter, appeal the decision
516 pursuant to the procedure established in subsection (6).

517 (e) When a charter is not renewed or is terminated, the
518 school shall be dissolved under the provisions of law under
519 which the school was organized, and any unencumbered public
520 funds from the charter school shall revert to the district
521 school board. In the event a charter school is dissolved or is
522 otherwise terminated, all district school board property and
523 improvements, furnishings, and equipment purchased with public
524 funds shall automatically revert to full ownership by the
525 district school board, subject to complete satisfaction of any
526 lawful liens or encumbrances. Any unencumbered public funds from



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527 the charter school, district school board property and
528 improvements, furnishings, and equipment purchased with public
529 funds, or financial or other records pertaining to the charter
530 school, in the possession of any person, entity, or holding
531 company, other than the charter school, shall be held in trust
532 upon the district school board's request, until any appeal
533 status is resolved.

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

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

546 (9) CHARTER SCHOOL REQUIREMENTS.--

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

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

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



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

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

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

562 (g) A charter school shall provide for an annual financial
 563 audit in accordance with s. 218.39.

564 (h) No organization shall hold more than 15 charters
 565 statewide.

566 (i) In order to provide financial information that is
 567 comparable to that reported for other public schools, charter
 568 schools are to maintain all financial records which constitute
 569 their accounting system:

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

574 2. At the discretion of the charter school governing
 575 board, a charter school may elect to follow generally accepted
 576 accounting standards for not-for-profit organizations, but must
 577 reformat this information for reporting according to this
 578 paragraph.

579
 580 Charter schools are to provide annual financial report and
 581 program cost report information in the state-required formats



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582 for inclusion in district reporting in compliance with s.
583 1011.60(1). Charter schools that are operated by a municipality
584 or are a component unit of a parent nonprofit organization may
585 use the accounting system of the municipality or the parent but
586 must reformat this information for reporting according to this
587 paragraph.

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

590 (k) The governing body of the charter school shall
591 exercise continuing oversight over charter school operations ~~and~~
592 ~~make annual progress reports to its sponsor, which upon~~
593 ~~verification shall be forwarded to the Commissioner of Education~~
594 ~~at the same time as other annual school accountability reports.~~
595 ~~The report shall contain at least the following information:~~

596 (1) The governing body of the charter school shall report
597 its progress annually to its sponsor, which shall forward the
598 report to the Commissioner of Education at the same time as
599 other annual school accountability reports. The Department of
600 Education shall include in its compilation a notation if a
601 school failed to file its report by the deadline established by
602 the department. The report shall include at least the following
603 components:

604 1. Student achievement performance data, including the
605 information required for the annual school report and the
606 education accountability system governed by ss. 1008.31 and
607 1008.345. Charter schools are subject to the same accountability
608 requirements as other public schools, including reports of
609 student achievement information that links baseline student data



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610 to the school's performance projections identified in the
 611 charter. The charter school shall identify reasons for any
 612 difference between projected and actual student performance ~~The~~
 613 ~~charter school's progress toward achieving the goals outlined in~~
 614 ~~its charter.~~

615 2. Financial status of the charter school which must
 616 include revenues and expenditures at a level of detail that
 617 allows for analysis of the ability to meet financial obligations
 618 and timely repayment of debt ~~The information required in the~~
 619 ~~annual school report pursuant to s. 1008.345.~~

620 3. Documentation of the facilities in current use and any
 621 planned facilities for use by the charter school for instruction
 622 of students, administrative functions, or investment purposes
 623 ~~Financial records of the charter school, including revenues and~~
 624 ~~expenditures.~~

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

630 ~~(m)(1)~~ A charter school shall not levy taxes or issue
 631 bonds secured by tax revenues.

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

635 (10) ELIGIBLE STUDENTS.--

636 (a) A charter school shall be open to any student covered
 637 in an interdistrict agreement or residing in the school district



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638 in which the charter school is located; however, in the case of
639 a charter lab school, the charter lab school shall be open to
640 any student eligible to attend the lab school as provided in s.
641 1002.32 or who resides in the school district in which the
642 charter lab school is located. Any eligible student shall be
643 allowed interdistrict transfer to attend a charter school when
644 based on good cause.

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

651 (c) When a public school converts to charter status,
652 enrollment preference shall be given to students who would have
653 otherwise attended that public school.

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

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

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

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

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

664 1. Students within specific age groups or grade levels.



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

668 3. Students enrolling in a charter school-in-the-workplace
669 or charter school-in-a-municipality established pursuant to
670 subsection (15)~~(16)~~.

671 4. Students residing within a reasonable distance of the
672 charter school, as described in paragraph (20)~~(21)~~(c). Such
673 students shall be subject to a random lottery and to the
674 racial/ethnic balance provisions described in subparagraph
675 (7)(a)8. or any federal provisions that require a school to
676 achieve a racial/ethnic balance reflective of the community it
677 serves or within the racial/ethnic range of other public schools
678 in the same school district.

679 5. Students who meet reasonable academic, artistic, or
680 other eligibility standards established by the charter school
681 and included in the charter school application and charter or,
682 in the case of existing charter schools, standards that are
683 consistent with the school's mission and purpose. Such standards
684 shall be in accordance with current state law and practice in
685 public schools and may not discriminate against otherwise
686 qualified individuals.

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

690 (f) Students with handicapping conditions and students
691 served in English for Speakers of Other Languages programs shall



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692 have an equal opportunity of being selected for enrollment in a
693 charter school.

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

697 (h) The capacity of the charter school shall be determined
698 annually by the governing board, in conjunction with the
699 sponsor, of the charter school in consideration of the factors
700 identified in this subsection.

701 ~~(13) NUMBER OF SCHOOLS.~~

702 ~~(a) The number of newly created charter schools is limited~~
703 ~~to no more than 28 in each school district that has 100,000 or~~
704 ~~more students, no more than 20 in each school district that has~~
705 ~~50,000 to 99,999 students, and no more than 12 in each school~~
706 ~~district with fewer than 50,000 students.~~

707 ~~(b) An existing public school which converts to a charter~~
708 ~~school shall not be counted toward the limit established by~~
709 ~~paragraph (a).~~

710 ~~(c) Notwithstanding any limit established by this~~
711 ~~subsection, a district school board or a charter school~~
712 ~~applicant shall have the right to request an increase of the~~
713 ~~limit on the number of charter schools authorized to be~~
714 ~~established within the district from the State Board of~~
715 ~~Education.~~

716 ~~(d) Whenever a municipality has submitted charter~~
717 ~~applications for the establishment of a charter school feeder~~
718 ~~pattern (elementary, middle, and senior high schools), and upon~~
719 ~~approval of each individual charter application by the district~~



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720 ~~school board, such applications shall then be designated as one~~
721 ~~charter school for all purposes listed pursuant to this section.~~

722 (20)~~(21)~~ SERVICES.--

723 (a) A sponsor shall provide certain administrative and
724 educational services to charter schools. These services shall
725 include contract management services, full-time equivalent and
726 data reporting services, exceptional student education
727 administration services, test administration services,
728 processing of teacher certificate data services, and information
729 services. A total administrative fee for the provision of such
730 services shall be calculated based upon 5 percent of the
731 available funds defined in paragraph (17)(b) for all students.
732 However, a sponsor may only withhold a 5-percent administrative
733 fee for enrollment for up to 500 students. For charter schools
734 with a population of 500 or more students, the difference
735 between the total administrative fee calculation and the amount
736 of the administrative fee withheld may only be used for capital
737 outlay purposes specified in s. 1013.62(2) ~~Any administrative~~
738 ~~fee charged by the sponsor for the provision of services shall~~
739 ~~be limited to 5 percent of the available funds defined in~~
740 ~~paragraph (18)(b).~~

741 (b) If goods and services are made available to the
742 charter school through the contract with the school district,
743 they shall be provided to the charter school at a rate no
744 greater than the district's actual cost. To maximize the use of
745 state funds, school districts shall allow charter schools to
746 participate in the sponsor's bulk purchasing program if
747 applicable.



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

758 (23)~~(24)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
759 receipt of the annual report required by paragraph (9)(1)~~(9)(k)~~,
760 the Department of Education shall provide to the State Board of
761 Education, the Commissioner of Education, the Governor, the
762 President of the Senate, and the Speaker of the House of
763 Representatives an analysis and comparison of the overall
764 performance of charter school students, to include all students
765 whose scores are counted as part of the statewide assessment
766 program, versus comparable public school students in the
767 district as determined by the statewide assessment program
768 currently administered in the school district, and other
769 assessments administered pursuant to s. 1008.22(3).

770 Section 2. Subsection (2) and paragraphs (a), (c), and (h)
771 of subsection (9) of section 1002.32, Florida Statutes, are
772 amended to read:

773 1002.32 Developmental research (laboratory) schools.--

774 (2) ESTABLISHMENT.--There is established a category of
775 public schools to be known as developmental research



776 (laboratory) schools (lab schools). Each lab school shall
 777 provide sequential instruction and shall be affiliated with the
 778 college of education within the state university of closest
 779 geographic proximity. A lab school to which a charter has been
 780 issued under s. 1002.33(5)(a)2.~~(5)(b)~~ must be affiliated with
 781 the college of education within the state university that issued
 782 the charter, but is not subject to the requirement that the
 783 state university be of closest geographic proximity. For the
 784 purpose of state funding, Florida Agricultural and Mechanical
 785 University, Florida Atlantic University, Florida State
 786 University, the University of Florida, and other universities
 787 approved by the State Board of Education and the Legislature are
 788 authorized to sponsor a lab school ~~one or more lab schools~~. The
 789 limitation of one lab school per university shall not apply to
 790 the following charter lab schools authorized prior to June 1,
 791 2003: Florida State University Charter Lab Elementary School in
 792 Broward County, Florida Atlantic University Charter Lab 9-12
 793 High School in Palm Beach County, and Florida Atlantic
 794 University Charter Lab K-12 School in St. Lucie County.

795 (9) FUNDING.--Funding for a lab school, including a
 796 charter lab school, shall be provided as follows:

797 (a) Each lab school shall be allocated its proportional
 798 share of operating funds from the Florida Education Finance
 799 Program as provided in s. 1011.62 and the General Appropriations
 800 Act. The nonvoted ad valorem millage that would otherwise be
 801 required for lab schools in operation as of September 1, 2002,
 802 shall be allocated from state funds. The required local effort
 803 funds calculated pursuant to s. 1011.62 shall be allocated from



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804 | state funds for lab ~~to the~~ schools in operation as of September
805 | 1, 2002, as a part of the allocation of operating funds pursuant
806 | to s. 1011.62. Each eligible lab school in operation as of
807 | September 1, 2002, shall also receive a proportional share of
808 | the sparsity supplement as calculated pursuant to s. 1011.62. In
809 | addition, each lab school shall receive its proportional share
810 | of all categorical funds, with the exception of s. 1011.68, and
811 | new categorical funds enacted after July 1, 1994, for the
812 | purpose of elementary or secondary academic program enhancement.
813 | The sum of funds available as provided in this paragraph shall
814 | be included annually in the Florida Education Finance Program
815 | and appropriate categorical programs funded in the General
816 | Appropriations Act.

817 | (c) All operating funds provided under this section shall
818 | be deposited in a Lab School Trust Fund and shall be expended
819 | for the purposes of this section. The university assigned a lab
820 | school shall be the fiscal agent for these funds, and all rules
821 | of the university governing the budgeting and expenditure of
822 | state funds shall apply to these funds unless otherwise provided
823 | by law or rule of the State Board of Education. The university
824 | board of trustees shall be the public employer of lab school
825 | personnel for collective bargaining purposes for lab schools in
826 | operation prior to the 2002-2003 fiscal year. Employees of
827 | charter lab schools authorized prior to June 1, 2003, but not in
828 | operation prior to the 2002-2003 fiscal year shall be employees
829 | of the entity holding the charter and must comply with the
830 | provisions of s. 1002.33(12).



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831 (h) A lab school to which a charter has been issued under
832 s. 1002.33(5)(a)2.~~(5)(b)~~ is eligible to receive funding for
833 charter school capital outlay if it meets the eligibility
834 requirements of s. 1013.62. If the lab school receives funds
835 from charter school capital outlay, the school shall receive
836 capital outlay funds otherwise provided in this subsection only
837 to the extent that funds allocated pursuant to s. 1013.62 are
838 insufficient to provide capital outlay funds to the lab school
839 at one-fifteenth of the cost per student station.

840 Section 3. Section 1011.68, Florida Statutes, is amended
841 to read:

842 1011.68 Funds for student transportation.--The annual
843 allocation to each district for transportation to public school
844 programs, including charter schools as provided in s.
845 1002.33(17)~~(18)~~(b), of students in membership in kindergarten
846 through grade 12 and in migrant and exceptional student programs
847 below kindergarten shall be determined as follows:

848 (1) Subject to the rules of the State Board of Education,
849 each district shall determine the membership of students who are
850 transported:

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

852 (b) By reason of being students with disabilities or
853 enrolled in a teenage parent program, regardless of distance to
854 school.

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

857 (d) By reason of being career and technical, dual
858 enrollment, or students with disabilities transported from one



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859 school center to another to participate in an instructional
860 program or service; or students with disabilities, transported
861 from one designation to another in the state, provided one
862 designation is a school center and provided the student's
863 individual educational plan (IEP) identifies the need for the
864 instructional program or service and transportation to be
865 provided by the school district. A "school center" is defined as
866 a public school center, community college, state university, or
867 other facility rented, leased, or owned and operated by the
868 school district or another public agency. A "dual enrollment
869 student" is defined as a public school student in membership in
870 both a public secondary school program and a community college
871 or a state university program under a written agreement to
872 partially fulfill ss. 1003.435 and 1007.23 and earning full-time
873 equivalent membership under s. 1011.62(1)(i).

874 (e) With respect to elementary school students whose grade
875 level does not exceed grade 6, by reason of being subjected to
876 hazardous walking conditions en route to or from school as
877 provided in s. 1006.23. Such rules shall, when appropriate,
878 provide for the determination of membership under this paragraph
879 for less than 1 year to accommodate the needs of students who
880 require transportation only until such hazardous conditions are
881 corrected.

882 (f) By reason of being a pregnant student or student
883 parent, and the child of a student parent as provided in s.
884 1003.54, regardless of distance from school.

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



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887
888 T = B + EX. The elements of this formula are defined as follows:
889 T is the total dollar allocation for transportation. B is the
890 base transportation dollar allocation prorated by an adjusted
891 student membership count. The adjusted membership count shall be
892 derived from a multiplicative index function in which the base
893 student membership is adjusted by multiplying it by index
894 numbers that individually account for the impact of the price
895 level index, average bus occupancy, and the extent of rural
896 population in the district. EX is the base transportation dollar
897 allocation for disabled students prorated by an adjusted
898 disabled student membership count. The base transportation
899 dollar allocation for disabled students is the total state base
900 disabled student membership count weighted for increased costs
901 associated with transporting disabled students and multiplying
902 it by the prior year's average per student cost for
903 transportation. The adjusted disabled student membership count
904 shall be derived from a multiplicative index function in which
905 the weighted base disabled student membership is adjusted by
906 multiplying it by index numbers that individually account for
907 the impact of the price level index, average bus occupancy, and
908 the extent of rural population in the district. Each adjustment
909 factor shall be designed to affect the base allocation by no
910 more or less than 10 percent.

911 (3) The total allocation to each district for
912 transportation of students shall be the sum of the amounts
913 determined in subsection (2). If the funds appropriated for the
914 purpose of implementing this section are not sufficient to pay



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915 the base transportation allocation and the base transportation
916 allocation for disabled students, the Department of Education
917 shall prorate the available funds on a percentage basis. If the
918 funds appropriated for the purpose of implementing this section
919 exceed the sum of the base transportation allocation and the
920 base transportation allocation for disabled students, the base
921 transportation allocation for disabled students shall be limited
922 to the amount calculated in subsection (2), and the remaining
923 balance shall be added to the base transportation allocation.

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

928 (5) Funds allocated or apportioned for the payment of
929 student transportation services may be used to pay for
930 transportation of students to and from school on local general
931 purpose transportation systems. Student transportation funds may
932 also be used to pay for transportation of students to and from
933 school in private passenger cars and boats when the
934 transportation is for isolated students, or students with
935 disabilities as defined by rule. Subject to the rules of the
936 State Board of Education, each school district shall determine
937 and report the number of assigned students using general purpose
938 transportation private passenger cars and boats. The allocation
939 per student must be equal to the allocation per student riding a
940 school bus.

941 (6) Notwithstanding other provisions of this section, in
942 no case shall any student or students be counted for



943 transportation funding more than once per day. This provision
 944 includes counting students for funding pursuant to trips in
 945 school buses, passenger cars, or boats or general purpose
 946 transportation.

947 (7) Any funds received by a school district under this
 948 section that are not required to transport students may, at the
 949 discretion of the district school board, be transferred to the
 950 district's Florida Education Finance Program.

951 Section 4. Subsections (1), (2), and (5) of section
 952 1013.62, Florida Statutes, are amended to read:

953 1013.62 Charter schools capital outlay funding.--

954 (1) In each year in which funds are appropriated for
 955 charter school capital outlay purposes, the Commissioner of
 956 Education shall allocate the funds among eligible charter
 957 schools. To be eligible for a funding allocation, a charter
 958 school must:

- 959 (a)1. Have been in operation for 3 or more years;
- 960 2. Be an expanded feeder chain of a charter school within
 961 the same school district that is currently receiving charter
 962 school capital outlay funds; or
- 963 3. Have been accredited by the Commission on Schools of
 964 the Southern Association of Colleges and Schools.

965 (b) Have financial stability for future operation as a
 966 charter school.

967 (c) Have satisfactory student achievement based on state
 968 accountability standards applicable to the charter school.

969 (d) Have received final approval from its sponsor pursuant
 970 to s. 1002.33 for operation during that fiscal year.



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971 (e) Serve students in facilities that are not provided by
972 the charter school's sponsor ~~meet the provisions of subsection~~
973 ~~(6),~~
974 ~~must have received final approval from its sponsor pursuant to~~
975 ~~s. 1002.33 for operation during that fiscal year, and must serve~~
976 ~~students in facilities that are not provided by the charter~~
977 ~~school's sponsor.~~

978

979 Prior to the release of capital outlay funds to a school
980 district on behalf of the charter school, the Department of
981 Education shall ensure that the district school board and the
982 charter school governing board enter into a written agreement
983 that includes provisions for the reversion of any unencumbered
984 funds and all equipment and property purchased with public
985 education funds to the ownership of the district school board,
986 as provided for in subsection (3), in the event that the school
987 terminates operations. Any funds recovered by the state shall be
988 deposited in the General Revenue Fund. A charter school is not
989 eligible for a funding allocation if it was created by the
990 conversion of a public school and operates in facilities
991 provided by the charter school's sponsor for a nominal fee or at
992 no charge or if it is directly or indirectly operated by the
993 school district. Unless otherwise provided in the General
994 Appropriations Act, the funding allocation for each eligible
995 charter school shall be determined by multiplying the school's
996 projected student enrollment by one-fifteenth of the cost-per-
997 student station specified in s. 1013.64(6)(b) for an elementary,
998 middle, or high school, as appropriate. If the funds



999 appropriated are not sufficient, the commissioner shall prorate
 1000 the available funds among eligible charter schools. However, no
 1001 charter school or charter lab school shall receive state charter
 1002 school capital outlay funds in excess of the one-fifteenth cost
 1003 per student station formula if the charter school's combination
 1004 of state charter school capital outlay funds, capital outlay
 1005 funds calculated through the reduction in the administrative fee
 1006 provided in s. 1002.33(20), and capital outlay funds allowed in
 1007 s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per
 1008 student station formula. Funds shall be distributed on the basis
 1009 of the capital outlay full-time equivalent membership by grade
 1010 level, which shall be calculated by averaging the results of the
 1011 second and third enrollment surveys. The Department of Education
 1012 shall distribute capital outlay funds monthly, beginning in the
 1013 first quarter of the fiscal year, based on one-twelfth of the
 1014 amount the department reasonably expects the charter school to
 1015 receive during that fiscal year. The commissioner shall adjust
 1016 subsequent distributions as necessary to reflect each charter
 1017 school's actual student enrollment as reflected in the second
 1018 and third enrollment surveys. The commissioner shall establish
 1019 the intervals and procedures for determining the projected and
 1020 actual student enrollment of eligible charter schools.

1021 (2) A charter school's governing body may use charter
 1022 school capital outlay funds for the following purposes ~~any~~
 1023 ~~capital outlay purpose that is directly related to the~~
 1024 ~~functioning of the charter school, including the:~~

1025 (a) Purchase of real property.



1026 (b) ~~Construction, renovation, repair, and maintenance~~ of
1027 school facilities.

1028 (c) Purchase, lease-purchase, or lease of permanent or
1029 relocatable school facilities.

1030 (d) Purchase of vehicles to transport students to and from
1031 the charter school.

1032 (e) Renovation, repair, and maintenance of school
1033 facilities that the charter school owns or is purchasing through
1034 a lease-purchase or long-term lease of 5 years or longer.

1035
1036 Conversion charter schools may use capital outlay funds received
1037 through the reduction in the administrative fee provided in s.
1038 1002.33(20) for renovation, repair, and maintenance of school
1039 facilities that are owned by the sponsor.

1040 (3) When a charter school is nonrenewed or terminated, any
1041 unencumbered funds and all equipment and property purchased with
1042 district public funds shall revert to the ownership of the
1043 district school board, as provided for in s. 1002.33(8)(e) and
1044 (f). In the case of a charter lab school, any unencumbered funds
1045 and all equipment and property purchased with university public
1046 funds shall revert to the ownership of the state university that
1047 issued the charter. The reversion of such equipment, property,
1048 and furnishings shall focus on recoverable assets, but not on
1049 intangible or irrecoverable costs such as rental or leasing
1050 fees, normal maintenance, and limited renovations. The reversion
1051 of all property secured with public funds is subject to the
1052 complete satisfaction of all lawful liens or encumbrances. If
1053 there are additional local issues such as the shared use of



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1054 facilities or partial ownership of facilities or property, these
1055 issues shall be agreed to in the charter contract prior to the
1056 expenditure of funds.

1057 (4) The Commissioner of Education shall specify procedures
1058 for submitting and approving requests for funding under this
1059 section and procedures for documenting expenditures.

1060 (5) The annual legislative budget request of the
1061 Department of Education shall include a request for capital
1062 outlay funding for charter schools. The request shall be based
1063 on the projected number of students to be served in charter
1064 schools who meet the eligibility requirements of this section. A
1065 dedicated funding source, if identified in writing by the
1066 Commissioner of Education and submitted along with the annual
1067 charter school legislative budget request, may be considered an
1068 additional source of funding.

1069 (6) Unless authorized otherwise by the Legislature,
1070 allocation and proration of charter school capital outlay funds
1071 shall be made to eligible charter schools by the Commissioner of
1072 Education in an amount and in a manner authorized by subsection
1073 (1).

1074 (7) Notwithstanding the provisions of this section,
1075 beginning in the 2003-2004 fiscal year:

1076 (a) If the appropriation for charter school capital outlay
1077 funds is no greater than the 2002-2003 appropriation, the funds
1078 shall be allocated according to the formula outlined in
1079 subsection (1) to:

1080 1. The same schools that received funding in 2002-2003.



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1081 2. Schools that are an expanded feeder pattern of schools
1082 that received funding in 2002-2003.

1083 3. Schools that have an approved charter and are serving
1084 students at the start of the 2003-2004 school year and either
1085 incurred long-term financial obligations prior to January 31,
1086 2003, or began construction on educational facilities prior to
1087 December 31, 2002.

1088 (b) If the appropriation for charter school capital outlay
1089 funds is less than the 2002-2003 appropriation, the funds shall
1090 be prorated among the schools eligible in paragraph (a).

1091 (c) If the appropriation for charter school capital outlay
1092 funds is greater than the 2002-2003 appropriation, the amount of
1093 funds provided in the 2002-2003 appropriation shall be allocated
1094 according to paragraph (a). First priority for allocating the
1095 amount in excess of the 2002-2003 appropriation shall be to
1096 prorate the excess funds among the charter schools with long-
1097 term debt or long-term lease to the extent that the initial
1098 allocation is insufficient to provide one-fifteenth of the cost
1099 per student station specified in s. 1013.64(6)(b), and second
1100 priority shall be to other eligible charter schools.

1101 Section 5. This act shall take effect September 1, 2003.