

By Senator Webster

9-2588-03

1                                   A bill to be entitled  
2           An act relating to charter schools; amending s.  
3           1002.33, F.S.; providing guiding principles;  
4           requiring an emphasis on reading; requiring  
5           certain accountability measures; authorizing  
6           community colleges to develop charter schools;  
7           revising application requirements; requiring  
8           fiscal projections in a charter application;  
9           extending the time allowed for the State Board  
10          of Education to act on an appeal; requiring  
11          auditors to provide notification of certain  
12          financial conditions; providing additional  
13          requirements for a charter school's annual  
14          report; eliminating limitations on the number  
15          of charter schools per school district;  
16          revising administrative fees charged by the  
17          sponsor for the provision of services;  
18          providing a report to the Governor; amending s.  
19          1002.32, F.S.; correcting a cross-reference;  
20          providing exceptions to the one lab school per  
21          university limitation; revising provisions  
22          relating to funding for lab schools; revising  
23          provisions relating to employees of lab  
24          schools; amending s. 1011.68, F.S.; correcting  
25          a cross-reference; amending s. 1013.62, F.S.;  
26          revising eligibility criteria for charter  
27          school capital outlay funding; revising  
28          purposes for charter school capital outlay  
29          funds; providing allocation criteria for  
30          charter school capital outlay appropriations;  
31          providing for construction of the act in pari

1           materia with laws enacted during the Regular  
2           Session of the Legislature; providing an  
3           effective date.

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5           WHEREAS, in the 2002-2003 school year, Florida has 223  
6 charter schools educating approximately 51,000 Florida  
7 students, with a projected increase of 117 additional charter  
8 schools in the next school year, and

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

11           WHEREAS, while charter schools are public schools,  
12 their unique populations or small size mean that few of them  
13 are eligible for inclusion in the state's accountability  
14 system, with only 38 of the 173 charter schools receiving a  
15 school performance grade in 2002, and

16           WHEREAS, the issue of charter school accountability is  
17 of the utmost importance at this time of budget constraints  
18 and heightened awareness of public ethics, NOW, THEREFORE,

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22           Section 1. Subsections (2), (5), (6), (7), (8), (9),  
23 (10), (13), (21), and (24) of section 1002.33, Florida  
24 Statutes, are amended and present subsections (14) through  
25 (26) are renumbered as subsections (13) through (25),  
26 respectively, to read:

27           1002.33 Charter schools.--

28           (2) GUIDING PRINCIPLES;PURPOSE.--

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

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

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

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

11           ~~(b)~~~~(a)~~ Charter schools shall fulfill the following  
12 purposes:

13           1. Improve student learning and academic achievement.

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

16           3. Create new professional opportunities for teachers,  
17 including ownership of the learning program at the school  
18 site.

19           4. Encourage the use of innovative learning methods.

20           5. Require the measurement of learning outcomes.

21           ~~(c)~~~~(b)~~ Charter schools may fulfill the following  
22 purposes:

23           1. Create innovative measurement tools.

24           2. Provide rigorous competition within the public  
25 school district to stimulate continual improvement in all  
26 public schools.

27           3. Expand the capacity of the public school system.

28           (5) SPONSOR; DUTIES.--

29           (a) Sponsoring entities.--

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

4           ~~2.(b)~~ A state university may grant a charter to a lab  
5 school created under s. 1002.32 and shall be considered to be  
6 the school's sponsor. Such school shall be considered a  
7 charter lab school.

8           (b) Sponsor duties.--

9           ~~1.(c)~~ The sponsor shall monitor and review the charter  
10 school in its progress toward the goals established in the  
11 charter.

12           ~~2.(d)~~ The sponsor shall monitor the revenues and  
13 expenditures of the charter school.

14           ~~3.(e)~~ The sponsor may approve a charter for a charter  
15 school before the applicant has secured space, equipment, or  
16 personnel, if the applicant indicates approval is necessary  
17 for it to raise working capital.

18           ~~4.(f)~~ The sponsor's policies shall not apply to a  
19 charter school.

20           ~~5.(g)~~ The A sponsor shall ensure that the charter is  
21 innovative and consistent with the state education goals  
22 established by s. 1000.03(5).

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

28  
29 A community college may work with the school district or  
30 school districts in its designated service area to develop  
31 charter schools that offer secondary education. These charter

1 schools must include an option for students to receive an  
2 associate degree upon high school graduation. District school  
3 boards shall cooperate with and assist the community college  
4 on the charter application. Community college applications for  
5 charter schools are not subject to the time deadlines outlined  
6 in subsection (6) and may be approved by the district school  
7 board at any time during the year. Community colleges shall  
8 not report FTE for any students who receive FTE funding  
9 through the Florida Education Finance Program.

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

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

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

18 2. Provides a detailed curriculum plan that  
19 illustrates how students will be provided services to attain  
20 the Sunshine State Standards.

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

27 4. Describes the reading curriculum and differentiated  
28 strategies that will be used for students reading at grade  
29 level or higher and a separate curriculum and strategies for  
30 students who are reading below grade level. A sponsor shall  
31 deny a charter if the school does not propose a reading

1 curriculum that is consistent with effective teaching  
2 strategies that are grounded in scientifically based reading  
3 research.

4 5. Contains an annual financial plan for each year  
5 requested by the charter for operation of the school for up to  
6 5 years. This plan must contain anticipated fund balances  
7 based on revenue projections, a spending plan based on  
8 projected revenues and expenses, and a description of controls  
9 that will safeguard finances and projected enrollment trends.

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

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

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

10 ~~3.2.~~ A district school board shall by a majority vote  
11 approve or deny an application no later than 60 calendar days  
12 after the application is received, unless the district school  
13 board and the applicant mutually agree to temporarily postpone  
14 the vote to a specific date, at which time the district school  
15 board shall by a majority vote approve or deny the  
16 application. If the district school board fails to act on the  
17 application, an applicant may appeal to the State Board of  
18 Education as provided in paragraph (c)~~(b)~~. If an application  
19 is denied, the district school board shall, within 10 calendar  
20 days, articulate in writing the specific reasons based upon  
21 good cause supporting its denial of the charter application.

22 ~~4.3.~~ For budget projection purposes, the district  
23 school board or other sponsor shall report to the Department  
24 of Education the approval or denial of a charter application  
25 within 10 calendar days after such approval or denial. In the  
26 event of approval, the report to the Department of Education  
27 shall include the final projected FTE for the approved charter  
28 school.

29 ~~5.4.~~ Upon approval of a charter application, the  
30 initial startup shall commence with the beginning of the  
31 public school calendar for the district in which the charter

1 is granted unless the district school board allows a waiver of  
2 this provision for good cause.

3        (c)~~(b)~~ An applicant may appeal any denial of that  
4 applicant's application or failure to act on an application to  
5 the State Board of Education no later than 30 calendar days  
6 after receipt of the district school board's decision or  
7 failure to act and shall notify the district school board of  
8 its appeal. Any response of the district school board shall be  
9 submitted to the State Board of Education within 30 calendar  
10 days after notification of the appeal. Upon receipt of  
11 notification from the State Board of Education that a charter  
12 school applicant is filing an appeal, the Commissioner of  
13 Education shall convene a meeting of the Charter School Appeal  
14 Commission to study and make recommendations to the State  
15 Board of Education regarding its pending decision about the  
16 appeal. The commission shall forward its recommendation to the  
17 state board no later than 7 calendar days prior to the date on  
18 which the appeal is to be heard. The State Board of Education  
19 shall by majority vote accept or reject the decision of the  
20 district school board no later than 90 ~~60~~ calendar days after  
21 an appeal is filed in accordance with State Board of Education  
22 rule. The Charter School Appeal Commission may reject an  
23 appeal submission for failure to comply with procedural rules  
24 governing the appeals process. The rejection shall describe  
25 the submission errors. The appellant may have up to 15  
26 calendar days from notice of rejection to resubmit an appeal  
27 that meets requirements of State Board of Education rule. An  
28 application for appeal submitted subsequent to such rejection  
29 shall be considered timely if the original appeal was filed  
30 within 30 calendar days after receipt of notice of the  
31 specific reasons for the district school board's denial of the



1 charter application. The State Board of Education shall remand  
2 the application to the district school board with its written  
3 decision that the district school board approve or deny the  
4 application. The district school board shall implement the  
5 decision of the State Board of Education. The decision of the  
6 State Board of Education is not subject to the provisions of  
7 the Administrative Procedure Act, chapter 120.

8 (d)~~(c)~~ The district school board shall act upon the  
9 decision of the State Board of Education within 30 calendar  
10 days after it is received. The State Board of Education's  
11 decision is a final action subject to judicial review.

12 (e)~~(d)~~1. A Charter School Appeal Commission is  
13 established to assist the commissioner and the State Board of  
14 Education with a fair and impartial review of appeals by  
15 applicants whose charters have been denied or whose charter  
16 contracts have not been renewed by their sponsors.

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

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1           3. The commissioner shall appoint the members of the  
2 Charter School Appeal Commission. Members shall serve without  
3 compensation but may be reimbursed for travel and per diem  
4 expenses in conjunction with their service. One-half of the  
5 members must represent currently operating charter schools,  
6 and one-half of the members must represent school districts.  
7 The commissioner or a named designee shall chair the Charter  
8 School Appeal Commission.

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

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

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

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

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

1 costs incurred to be paid by the losing party. The costs of  
2 the administrative hearing shall be paid by the party whom the  
3 administrative law judge rules against.

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

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

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

13 2. The focus of the curriculum, the instructional  
14 methods to be used, any distinctive instructional techniques  
15 to be employed, and identification and acquisition of  
16 appropriate technologies needed to improve educational and  
17 administrative performance which include a means for promoting  
18 safe, ethical, and appropriate uses of technology which comply  
19 with legal and professional standards. The charter shall  
20 ensure that reading is a primary focus of the curriculum and  
21 that resources are provided to identify and provide  
22 specialized instruction for students who are reading below  
23 grade level. The curriculum and instructional strategies for  
24 reading must be consistent with the Sunshine State Standards  
25 and grounded in scientifically based reading research.

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

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

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

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

10  
11 The district school board is required to provide academic  
12 student performance data to charter schools for each of their  
13 students coming from the district school system, as well as  
14 rates of academic progress of comparable student populations  
15 in the district school system.

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

26           5. In secondary charter schools, a method for  
27 determining that a student has satisfied the requirements for  
28 graduation in s. 1003.43.

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

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

3           8. The ways by which the school will achieve a  
4 racial/ethnic balance reflective of the community it serves or  
5 within the racial/ethnic range of other public schools in the  
6 same school district.

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

19           10. The asset and liability projections required in  
20 the application which are incorporated into the charter and  
21 which shall be compared with information provided in the  
22 annual report of the charter school. The charter shall ensure  
23 that, if a charter school internal audit reveals a deficit  
24 financial position, the auditors are required to notify the  
25 charter school governing board, the sponsor, and the  
26 Department of Education. The internal auditor shall report  
27 such findings in the form of an exit interview to the  
28 principal or the principal administrator of the charter school  
29 and the chair of the governing board within 7 working days  
30 after finding the deficit position. A final report shall be  
31 provided to the entire governing board, the sponsor, and the

1 Department of Education within 14 working days after the exit  
2 interview.

3 ~~11.10.~~ A description of procedures that identify  
4 various risks and provide for a comprehensive approach to  
5 reduce the impact of losses; plans to ensure the safety and  
6 security of students and staff; plans to identify, minimize,  
7 and protect others from violent or disruptive student  
8 behavior; and the manner in which the school will be insured,  
9 including whether or not the school will be required to have  
10 liability insurance, and, if so, the terms and conditions  
11 thereof and the amounts of coverage.

12 ~~12.11.~~ The term of the charter which shall provide for  
13 cancellation of the charter if insufficient progress has been  
14 made in attaining the student achievement objectives of the  
15 charter and if it is not likely that such objectives can be  
16 achieved before expiration of the charter. The initial term of  
17 a charter shall be for 3, 4, or 5 years. In order to  
18 facilitate access to long-term financial resources for charter  
19 school construction, charter schools that are operated by a  
20 municipality or other public entity as provided by law are  
21 eligible for up to a 15-year charter, subject to approval by  
22 the district school board. A charter lab school is eligible  
23 for a charter for a term of up to 15 years. In addition, to  
24 facilitate access to long-term financial resources for charter  
25 school construction, charter schools that are operated by a  
26 private, not-for-profit, s. 501(c)(3) status corporation are  
27 eligible for up to a 10-year charter, subject to approval by  
28 the district school board. Such long-term charters remain  
29 subject to annual review and may be terminated during the term  
30 of the charter, but only for specific good cause according to  
31 the provisions set forth in subsection (8).

1           ~~13.12.~~ The facilities to be used and their location.

2           ~~14.13.~~ The qualifications to be required of the  
3 teachers and the potential strategies used to recruit, hire,  
4 train, and retain qualified staff to achieve best value.

5           ~~15.14.~~ The governance structure of the school,  
6 including the status of the charter school as a public or  
7 private employer as required in paragraph (12)(i).

8           ~~16.15.~~ A timetable for implementing the charter which  
9 addresses the implementation of each element thereof and the  
10 date by which the charter shall be awarded in order to meet  
11 this timetable.

12           ~~17.16.~~ In the case of an existing public school being  
13 converted to charter status, alternative arrangements for  
14 current students who choose not to attend the charter school  
15 and for current teachers who choose not to teach in the  
16 charter school after conversion in accordance with the  
17 existing collective bargaining agreement or district school  
18 board rule in the absence of a collective bargaining  
19 agreement. However, alternative arrangements shall not be  
20 required for current teachers who choose not to teach in a  
21 charter lab school, except as authorized by the employment  
22 policies of the state university which grants the charter to  
23 the lab school.

24           (b) A charter may be renewed every 5 school years,  
25 provided that a program review demonstrates that the criteria  
26 in paragraph (a) have been successfully accomplished and that  
27 none of the grounds for nonrenewal established by paragraph  
28 (8)(a) has been documented. In order to facilitate long-term  
29 financing for charter school construction, charter schools  
30 operating for a minimum of 2 years and demonstrating exemplary  
31 academic programming and fiscal management are eligible for a



1 15-year charter renewal. Such long-term charter is subject to  
2 annual review and may be terminated during the term of the  
3 charter.

4 (c) A charter may be modified during its initial term  
5 or any renewal term upon the recommendation of the sponsor or  
6 the charter school governing board and the approval of both  
7 parties to the agreement.

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

9 (a) At the end of the term of a charter, the sponsor  
10 may choose not to renew the charter for any of the following  
11 grounds:

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

16 2. Failure to meet generally accepted standards of  
17 fiscal management.

18 3. Violation of law.

19 4. Other good cause shown.

20 (b) During the term of a charter, the sponsor may  
21 terminate the charter for any of the grounds listed in  
22 paragraph (a).

23 (c) At least 90 days prior to renewing or terminating  
24 a charter, the sponsor shall notify the governing body of the  
25 school of the proposed action in writing. The notice shall  
26 state in reasonable detail the grounds for the proposed action  
27 and stipulate that the school's governing body may, within 14  
28 calendar days after receiving the notice, request an informal  
29 hearing before the sponsor. The sponsor shall conduct the  
30 informal hearing within 30 calendar days after receiving a  
31 written request. The charter school's governing body may,

1 within 14 calendar days after receiving the sponsor's decision  
2 to terminate or refuse to renew the charter, appeal the  
3 decision pursuant to the procedure established in subsection  
4 (6).

5 (d) A charter may be terminated immediately if the  
6 sponsor determines that good cause has been shown or if the  
7 health, safety, or welfare of the students is threatened. The  
8 school district in which the charter school is located shall  
9 assume operation of the school under these circumstances. The  
10 charter school's governing board may, within 14 days after  
11 receiving the sponsor's decision to terminate the charter,  
12 appeal the decision pursuant to the procedure established in  
13 subsection (6).

14 (e) When a charter is not renewed or is terminated,  
15 the school shall be dissolved under the provisions of law  
16 under which the school was organized, and any unencumbered  
17 public funds from the charter school shall revert to the  
18 district school board. In the event a charter school is  
19 dissolved or is otherwise terminated, all district school  
20 board property and improvements, furnishings, and equipment  
21 purchased with public funds shall automatically revert to full  
22 ownership by the district school board, subject to complete  
23 satisfaction of any lawful liens or encumbrances. Any  
24 unencumbered public funds from the charter school, district  
25 school board property and improvements, furnishings, and  
26 equipment purchased with public funds, or financial or other  
27 records pertaining to the charter school, in the possession of  
28 any person, entity, or holding company, other than the charter  
29 school, shall be held in trust upon the district school  
30 board's request, until any appeal status is resolved.

31

1 (f) If a charter is not renewed or is terminated, the  
2 charter school is responsible for all debts of the charter  
3 school. The district may not assume the debt from any contract  
4 for services made between the governing body of the school and  
5 a third party, except for a debt that is previously detailed  
6 and agreed upon in writing by both the district and the  
7 governing body of the school and that may not reasonably be  
8 assumed to have been satisfied by the district.

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

13 (9) CHARTER SCHOOL REQUIREMENTS.--

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

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

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

21 (d) A charter school shall not charge tuition or  
22 registration fees, except those fees normally charged by other  
23 public schools. However, a charter lab school may charge a  
24 student activity and service fee as authorized by s.  
25 1002.32(5).

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

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

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

1 (h) No organization shall hold more than 15 charters  
2 statewide.

3 (i) In order to provide financial information that is  
4 comparable to that reported for other public schools, charter  
5 schools are to maintain all financial records which constitute  
6 their accounting system:

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

11 2. At the discretion of the charter school governing  
12 board, a charter school may elect to follow generally accepted  
13 accounting standards for not-for-profit organizations, but  
14 must reformat this information for reporting according to this  
15 paragraph.

16  
17 Charter schools are to provide annual financial report and  
18 program cost report information in the state-required formats  
19 for inclusion in district reporting in compliance with s.  
20 1011.60(1). Charter schools that are operated by a  
21 municipality or are a component unit of a parent nonprofit  
22 organization may use the accounting system of the municipality  
23 or the parent but must reformat this information for reporting  
24 according to this paragraph.

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

27 (k) The governing body of the charter school shall  
28 exercise continuing oversight over charter school operations  
29 ~~and make annual progress reports to its sponsor, which upon~~  
30 ~~verification shall be forwarded to the Commissioner of~~  
31 ~~Education at the same time as other annual school~~

1 ~~accountability reports. The report shall contain at least the~~  
2 ~~following information:~~

3 (1) The governing body of the charter school shall  
4 report its progress annually to its sponsor, which shall  
5 forward the report to the Commissioner of Education at the  
6 same time as other annual school accountability reports. The  
7 Department of Education shall include in its compilation a  
8 notation if a school failed to file its report by the deadline  
9 established by the department. The report shall include at  
10 least the following components:

11 1. Student achievement performance data, including the  
12 information required for the annual school report and the  
13 education accountability system governed by ss. 1008.31 and  
14 1008.345. Charter schools are subject to the same  
15 accountability requirements as other public schools, including  
16 reports of student achievement information that links baseline  
17 student data to the school's performance projections  
18 identified in the charter. The charter school shall identify  
19 reasons for any difference between projected and actual  
20 student performance ~~The charter school's progress toward~~  
21 ~~achieving the goals outlined in its charter.~~

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

27 3. Documentation of the facilities in current use and  
28 any planned facilities for use by the charter school for  
29 instruction of students, administrative functions, or  
30 investment purposes ~~Financial records of the charter school,~~  
31 ~~including revenues and expenditures.~~

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

7           ~~(m)(i)~~ A charter school shall not levy taxes or issue  
8 bonds secured by tax revenues.

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

12           (10) ELIGIBLE STUDENTS.--

13           (a) A charter school shall be open to any student  
14 covered in an interdistrict agreement or residing in the  
15 school district in which the charter school is located;  
16 however, in the case of a charter lab school, the charter lab  
17 school shall be open to any student eligible to attend the lab  
18 school as provided in s. 1002.32 or who resides in the school  
19 district in which the charter lab school is located. Any  
20 eligible student shall be allowed interdistrict transfer to  
21 attend a charter school when based on good cause.

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

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

31

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

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

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

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

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

11 1. Students within specific age groups or grade  
12 levels.

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

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

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

27 5. Students who meet reasonable academic, artistic, or  
28 other eligibility standards established by the charter school  
29 and included in the charter school application and charter or,  
30 in the case of existing charter schools, standards that are  
31 consistent with the school's mission and purpose. Such

1 standards shall be in accordance with current state law and  
2 practice in public schools and may not discriminate against  
3 otherwise qualified individuals.

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

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

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

14 (h) The capacity of the charter school shall be  
15 determined annually by the governing board, in conjunction  
16 with the sponsor, of the charter school in consideration of  
17 the factors identified in this subsection.

18 ~~(13) NUMBER OF SCHOOLS.--~~

19 ~~(a) The number of newly created charter schools is~~  
20 ~~limited to no more than 28 in each school district that has~~  
21 ~~100,000 or more students, no more than 20 in each school~~  
22 ~~district that has 50,000 to 99,999 students, and no more than~~  
23 ~~12 in each school district with fewer than 50,000 students.~~

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

27 ~~(c) Notwithstanding any limit established by this~~  
28 ~~subsection, a district school board or a charter school~~  
29 ~~applicant shall have the right to request an increase of the~~  
30 ~~limit on the number of charter schools authorized to be~~

31



1 ~~established within the district from the State Board of~~  
2 ~~Education.~~

3 ~~(d) Whenever a municipality has submitted charter~~  
4 ~~applications for the establishment of a charter school feeder~~  
5 ~~pattern (elementary, middle, and senior high schools), and~~  
6 ~~upon approval of each individual charter application by the~~  
7 ~~district school board, such applications shall then be~~  
8 ~~designated as one charter school for all purposes listed~~  
9 ~~pursuant to this section.~~

10 (20)(21) SERVICES.--

11 (a) A sponsor shall provide certain administrative and  
12 educational services to charter schools. These services shall  
13 include contract management services, full-time equivalent and  
14 data reporting services, exceptional student education  
15 administration services, test administration services,  
16 processing of teacher certificate data services, and  
17 information services. A total administrative fee for the  
18 provision of such services shall be calculated based upon 5  
19 percent of the available funds defined in paragraph (17)(b)  
20 for all students. However, a sponsor may only withhold a  
21 5-percent administrative fee for enrollment for up to and  
22 including 500 students. For charter schools with a population  
23 of 501 or more students, the difference between the total  
24 administrative fee calculation and the amount of the  
25 administrative fee withheld may only be used for capital  
26 outlay purposes specified in s. 1013.62(2)~~Any administrative~~  
27 ~~fee charged by the sponsor for the provision of services shall~~  
28 ~~be limited to 5 percent of the available funds defined in~~  
29 ~~paragraph (18)(b).~~

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

1 they shall be provided to the charter school at a rate no  
2 greater than the district's actual cost. To maximize the use  
3 of state funds, school districts shall allow charter schools  
4 to participate in the sponsor' s bulk purchasing program if  
5 applicable.

6 (c) Transportation of charter school students shall be  
7 provided by the charter school consistent with the  
8 requirements of subpart I.e. of chapter 1006. The governing  
9 body of the charter school may provide transportation through  
10 an agreement or contract with the district school board, a  
11 private provider, or parents. The charter school and the  
12 sponsor shall cooperate in making arrangements that ensure  
13 that transportation is not a barrier to equal access for all  
14 students residing within a reasonable distance of the charter  
15 school as determined in its charter.

16 (23)~~(24)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon  
17 receipt of the annual report required by paragraph  
18 (9)(1)~~(9)(k)~~, the Department of Education shall provide to the  
19 State Board of Education, the Commissioner of Education, the  
20 Governor, the President of the Senate, and the Speaker of the  
21 House of Representatives an analysis and comparison of the  
22 overall performance of charter school students, to include all  
23 students whose scores are counted as part of the statewide  
24 assessment program, versus comparable public school students  
25 in the district as determined by the statewide assessment  
26 program currently administered in the school district, and  
27 other assessments administered pursuant to s. 1008.22(3).

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

31 1002.32 Developmental research (laboratory) schools.--

1           (2) ESTABLISHMENT.--There is established a category of  
2 public schools to be known as developmental research  
3 (laboratory) schools (lab schools). Each lab school shall  
4 provide sequential instruction and shall be affiliated with  
5 the college of education within the state university of  
6 closest geographic proximity. A lab school to which a charter  
7 has been issued under s. 1002.33(5)(a)2.~~(5)(b)~~ must be  
8 affiliated with the college of education within the state  
9 university that issued the charter, but is not subject to the  
10 requirement that the state university be of closest geographic  
11 proximity. For the purpose of state funding, Florida  
12 Agricultural and Mechanical University, Florida Atlantic  
13 University, Florida State University, the University of  
14 Florida, and other universities approved by the State Board of  
15 Education and the Legislature are authorized to sponsor a lab  
16 school ~~one or more lab schools~~. The limitation of one lab  
17 school per university shall not apply to the following charter  
18 lab schools authorized prior to June 1, 2003: Florida State  
19 University Charter Lab Elementary School in Broward County,  
20 Florida Atlantic University Charter Lab 9-12 High School in  
21 Palm Beach County, and Florida Atlantic University Charter Lab  
22 K-12 School in St. Lucie County.

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

25           (a) Each lab school shall be allocated its  
26 proportional share of operating funds from the Florida  
27 Education Finance Program as provided in s. 1011.62 and the  
28 General Appropriations Act. The nonvoted ad valorem millage  
29 that would otherwise be required for lab schools shall be  
30 allocated from state funds. The required local effort funds  
31 calculated pursuant to s. 1011.62 shall be allocated from

1 state funds to the schools as a part of the allocation of  
2 operating funds pursuant to s. 1011.62. Each eligible lab  
3 school in operation as of September 1, 2002, shall also  
4 receive a proportional share of the sparsity supplement as  
5 calculated pursuant to s. 1011.62. In addition, each lab  
6 school shall receive its proportional share of all categorical  
7 funds, with the exception of s. 1011.68, and new categorical  
8 funds enacted after July 1, 1994, for the purpose of  
9 elementary or secondary academic program enhancement. The sum  
10 of funds available as provided in this paragraph shall be  
11 included annually in the Florida Education Finance Program and  
12 appropriate categorical programs funded in the General  
13 Appropriations Act.

14 (c) All operating funds provided under this section  
15 shall be deposited in a Lab School Trust Fund and shall be  
16 expended for the purposes of this section. The university  
17 assigned a lab school shall be the fiscal agent for these  
18 funds, and all rules of the university governing the budgeting  
19 and expenditure of state funds shall apply to these funds  
20 unless otherwise provided by law or rule of the State Board of  
21 Education. The university board of trustees shall be the  
22 public employer of lab school personnel for collective  
23 bargaining purposes for lab schools in operation prior to the  
24 2002-2003 fiscal year. Employees of charter lab schools  
25 authorized prior to June 1, 2003, but not in operation prior  
26 to the 2002-2003 fiscal year shall be employees of the entity  
27 holding the charter and must comply with the provisions of s.  
28 1002.33(12).

29 (h) A lab school to which a charter has been issued  
30 under s. 1002.33(5)(a)2.~~(5)(b)~~ is eligible to receive funding  
31 for charter school capital outlay if it meets the eligibility

1 requirements of s. 1013.62. If the lab school receives funds  
2 from charter school capital outlay, the school shall receive  
3 capital outlay funds otherwise provided in this subsection  
4 only to the extent that funds allocated pursuant to s. 1013.62  
5 are insufficient to provide capital outlay funds to the lab  
6 school at one-fifteenth of the cost per student station.

7 Section 3. Section 1011.68, Florida Statutes, is  
8 amended to read:

9 1011.68 Funds for student transportation.--The annual  
10 allocation to each district for transportation to public  
11 school programs, including charter schools as provided in s.  
12 1002.33(17)(18)(b), of students in membership in kindergarten  
13 through grade 12 and in migrant and exceptional student  
14 programs below kindergarten shall be determined as follows:

15 (1) Subject to the rules of the State Board of  
16 Education, each district shall determine the membership of  
17 students who are transported:

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

19 (b) By reason of being students with disabilities or  
20 enrolled in a teenage parent program, regardless of distance  
21 to school.

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

24 (d) By reason of being career and technical, dual  
25 enrollment, or students with disabilities transported from one  
26 school center to another to participate in an instructional  
27 program or service; or students with disabilities, transported  
28 from one designation to another in the state, provided one  
29 designation is a school center and provided the student's  
30 individual educational plan (IEP) identifies the need for the  
31 instructional program or service and transportation to be

1 provided by the school district. A "school center" is defined  
2 as a public school center, community college, state  
3 university, or other facility rented, leased, or owned and  
4 operated by the school district or another public agency. A  
5 "dual enrollment student" is defined as a public school  
6 student in membership in both a public secondary school  
7 program and a community college or a state university program  
8 under a written agreement to partially fulfill ss. 1003.435  
9 and 1007.23 and earning full-time equivalent membership under  
10 s. 1011.62(1)(i).

11 (e) With respect to elementary school students whose  
12 grade level does not exceed grade 6, by reason of being  
13 subjected to hazardous walking conditions en route to or from  
14 school as provided in s. 1006.23. Such rules shall, when  
15 appropriate, provide for the determination of membership under  
16 this paragraph for less than 1 year to accommodate the needs  
17 of students who require transportation only until such  
18 hazardous conditions are corrected.

19 (f) By reason of being a pregnant student or student  
20 parent, and the child of a student parent as provided in s.  
21 1003.54, regardless of distance from school.

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

24  
25  $T = B + EX$ . The elements of this formula are defined as  
26 follows: T is the total dollar allocation for transportation.  
27 B is the base transportation dollar allocation prorated by an  
28 adjusted student membership count. The adjusted membership  
29 count shall be derived from a multiplicative index function in  
30 which the base student membership is adjusted by multiplying  
31 it by index numbers that individually account for the impact

1 of the price level index, average bus occupancy, and the  
2 extent of rural population in the district. EX is the base  
3 transportation dollar allocation for disabled students  
4 prorated by an adjusted disabled student membership count. The  
5 base transportation dollar allocation for disabled students is  
6 the total state base disabled student membership count  
7 weighted for increased costs associated with transporting  
8 disabled students and multiplying it by the prior year's  
9 average per student cost for transportation. The adjusted  
10 disabled student membership count shall be derived from a  
11 multiplicative index function in which the weighted base  
12 disabled student membership is adjusted by multiplying it by  
13 index numbers that individually account for the impact of the  
14 price level index, average bus occupancy, and the extent of  
15 rural population in the district. Each adjustment factor shall  
16 be designed to affect the base allocation by no more or less  
17 than 10 percent.

18 (3) The total allocation to each district for  
19 transportation of students shall be the sum of the amounts  
20 determined in subsection (2). If the funds appropriated for  
21 the purpose of implementing this section are not sufficient to  
22 pay the base transportation allocation and the base  
23 transportation allocation for disabled students, the  
24 Department of Education shall prorate the available funds on a  
25 percentage basis. If the funds appropriated for the purpose of  
26 implementing this section exceed the sum of the base  
27 transportation allocation and the base transportation  
28 allocation for disabled students, the base transportation  
29 allocation for disabled students shall be limited to the  
30 amount calculated in subsection (2), and the remaining balance  
31 shall be added to the base transportation allocation.

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

5           (5) Funds allocated or apportioned for the payment of  
6 student transportation services may be used to pay for  
7 transportation of students to and from school on local general  
8 purpose transportation systems. Student transportation funds  
9 may also be used to pay for transportation of students to and  
10 from school in private passenger cars and boats when the  
11 transportation is for isolated students, or students with  
12 disabilities as defined by rule. Subject to the rules of the  
13 State Board of Education, each school district shall determine  
14 and report the number of assigned students using general  
15 purpose transportation private passenger cars and boats. The  
16 allocation per student must be equal to the allocation per  
17 student riding a school bus.

18           (6) Notwithstanding other provisions of this section,  
19 in no case shall any student or students be counted for  
20 transportation funding more than once per day. This provision  
21 includes counting students for funding pursuant to trips in  
22 school buses, passenger cars, or boats or general purpose  
23 transportation.

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

28           Section 4. Section 1013.62, Florida Statutes, is  
29 amended to read:

30           1013.62 Charter schools capital outlay funding.--  
31



1           (1) In each year in which funds are appropriated for  
2 charter school capital outlay purposes, the Commissioner of  
3 Education shall allocate the funds among eligible charter  
4 schools. To be eligible for a funding allocation, a charter  
5 school must:

6           (a)1. Have been in operation for 3 or more years;

7           2. Be an expanded feeder chain of a charter school  
8 within the same school district that is currently receiving  
9 charter school capital outlay funds; or

10           3. Have been accredited by the Commission on Schools  
11 of the Southern Association of Colleges and Schools.

12           (b) Have financial stability for future operation as a  
13 charter school.

14           (c) Have satisfactory student achievement based on  
15 state accountability standards applicable to the charter  
16 school.

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

19           (e) Serve students in facilities that are not provided  
20 by the charter school's sponsor ~~meet the provisions of~~  
21 ~~subsection (6), must have received final approval from its~~  
22 ~~sponsor pursuant to s. 1002.33 for operation during that~~  
23 ~~fiscal year, and must serve students in facilities that are~~  
24 ~~not provided by the charter school's sponsor.~~

25  
26 Prior to the release of capital outlay funds to a school  
27 district on behalf of the charter school, the Department of  
28 Education shall ensure that the district school board and the  
29 charter school governing board enter into a written agreement  
30 that includes provisions for the reversion of any unencumbered  
31 funds and all equipment and property purchased with public

1 education funds to the ownership of the district school board,  
2 as provided for in subsection (3), in the event that the  
3 school terminates operations. Any funds recovered by the state  
4 shall be deposited in the General Revenue Fund. A charter  
5 school is not eligible for a funding allocation if it was  
6 created by the conversion of a public school and operates in  
7 facilities provided by the charter school's sponsor for a  
8 nominal fee or at no charge or if it is directly or indirectly  
9 operated by the school district. Unless otherwise provided in  
10 the General Appropriations Act, the funding allocation for  
11 each eligible charter school shall be determined by  
12 multiplying the school's projected student enrollment by  
13 one-fifteenth of the cost-per-student station specified in s.  
14 1013.64(6)(b) for an elementary, middle, or high school, as  
15 appropriate. If the funds appropriated are not sufficient, the  
16 commissioner shall prorate the available funds among eligible  
17 charter schools. However, no charter school or charter lab  
18 school shall receive state charter school capital outlay funds  
19 in excess of the one-fifteenth cost per student station  
20 formula if the charter school's combination of state charter  
21 school capital outlay funds, capital outlay funds calculated  
22 through the reduction in the administrative fee provided in s.  
23 1002.33(20), and capital outlay funds allowed in s.  
24 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per  
25 student station formula.Funds shall be distributed on the  
26 basis of the capital outlay full-time equivalent membership by  
27 grade level, which shall be calculated by averaging the  
28 results of the second and third enrollment surveys. The  
29 Department of Education shall distribute capital outlay funds  
30 monthly, beginning in the first quarter of the fiscal year,  
31 based on one-twelfth of the amount the department reasonably

1 expects the charter school to receive during that fiscal year.  
2 The commissioner shall adjust subsequent distributions as  
3 necessary to reflect each charter school's actual student  
4 enrollment as reflected in the second and third enrollment  
5 surveys. The commissioner shall establish the intervals and  
6 procedures for determining the projected and actual student  
7 enrollment of eligible charter schools.

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

12 (a) Purchase of real property.

13 (b) ~~Construction, renovation, repair, and maintenance~~  
14 of school facilities.

15 (c) Purchase, lease-purchase, or lease of permanent or  
16 relocatable school facilities.

17 (d) Purchase of vehicles to transport students to and  
18 from the charter school.

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

23  
24 Conversion charter schools may use capital outlay funds  
25 received through the reduction in the administrative fee  
26 provided in s. 1002.33(20) for renovation, repair, and  
27 maintenance of school facilities that are owned by the  
28 sponsor.

29 (3) When a charter school is nonrenewed or terminated,  
30 any unencumbered funds and all equipment and property  
31 purchased with district public funds shall revert to the

1 ownership of the district school board, as provided for in s.  
2 1002.33(8)(e) and (f). In the case of a charter lab school,  
3 any unencumbered funds and all equipment and property  
4 purchased with university public funds shall revert to the  
5 ownership of the state university that issued the charter. The  
6 reversion of such equipment, property, and furnishings shall  
7 focus on recoverable assets, but not on intangible or  
8 irrecoverable costs such as rental or leasing fees, normal  
9 maintenance, and limited renovations. The reversion of all  
10 property secured with public funds is subject to the complete  
11 satisfaction of all lawful liens or encumbrances. If there are  
12 additional local issues such as the shared use of facilities  
13 or partial ownership of facilities or property, these issues  
14 shall be agreed to in the charter contract prior to the  
15 expenditure of funds.

16 (4) The Commissioner of Education shall specify  
17 procedures for submitting and approving requests for funding  
18 under this section and procedures for documenting  
19 expenditures.

20 (5) The annual legislative budget request of the  
21 Department of Education shall include a request for capital  
22 outlay funding for charter schools. The request shall be based  
23 on the projected number of students to be served in charter  
24 schools who meet the eligibility requirements of this section.  
25 A dedicated funding source, if identified in writing by the  
26 Commissioner of Education and submitted along with the annual  
27 charter school legislative budget request, may be considered  
28 an additional source of funding.

29 (6) Unless authorized otherwise by the Legislature,  
30 allocation and proration of charter school capital outlay  
31 funds shall be made to eligible charter schools by the

1 Commissioner of Education in an amount and in a manner  
2 authorized by subsection (1).

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

5 (a) If the appropriation for charter school capital  
6 outlay funds is no greater than the 2002-2003 appropriation,  
7 the funds shall be allocated according to the formula outlined  
8 in subsection (1) to:

9 1. The same schools that received funding in  
10 2002-2003.

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

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

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

22 (c) If the appropriation for charter school capital  
23 outlay funds is greater than the 2002-2003 appropriation, the  
24 amount of funds provided in the 2002-2003 appropriation shall  
25 be allocated according to paragraph (a). First priority for  
26 allocating the amount in excess of the 2002-2003 appropriation  
27 shall be to prorate the excess funds among the charter schools  
28 with long-term debt or long-term lease to the extent that the  
29 initial allocation is insufficient to provide one-fifteenth of  
30 the cost per student station specified in s. 1013.64(6)(b),  
31

1 and second priority shall be to other eligible charter  
2 schools.

3 Section 5. If any law that is amended by this act was  
4 also amended by a law enacted at the 2003 Regular Session of  
5 the Legislature, such laws shall be construed as if they had  
6 been enacted during the same session of the Legislature, and  
7 full effect should be given to each if that is possible.

8 Section 6. This act shall take effect July 1, 2003.

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SENATE SUMMARY

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Revises requirements for charter schools in the state.  
Authorizes community colleges to develop charter schools.  
Revises the application process for a charter school.  
Provides additional reporting requirements. Eliminates  
14 the limitation on the number of charter schools per  
15 school district. Exempts certain universities from the  
16 limitation on the number of lab schools at the  
17 university. (See bill for details.)

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