



HB 0055A

2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 s. 1011.68, F.S.; correcting a cross reference; amending s. 1013.62, F.S.; revising eligibility criteria for charter school capital outlay funding; revising purposes for charter school capital outlay funds; providing allocation criteria for charter school capital outlay appropriations; providing for construction of the act in pari materia with laws enacted during Regular Session of the Legislature; providing an effective date.

WHEREAS, in the 2002-2003 school year, Florida has 223 charter schools educating approximately 51,000 Florida students,



HB 0055A

2003

31 with a projected increase of 117 additional charter schools in
 32 the next school year, and

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

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

40 WHEREAS, the issue of charter school accountability is of
 41 the utmost importance at this time of budget constraints and
 42 heightened awareness of public ethics, NOW, THEREFORE,

43

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

45

46 Section 1. Subsections (2), (5), (6), (7), (8), (9), (10),
 47 (13), (21), and (24) of section 1002.33, Florida Statutes, are
 48 amended and present subsections (14) through (26) are renumbered
 49 as subsections (13) through (25), respectively, to read:

50 1002.33 Charter schools.--

51 (2) GUIDING PRINCIPLES; PURPOSE.--

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

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

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

60 3. Provide parents with sufficient information on whether



HB 0055A

2003

61 their child is reading at grade level and whether the child
 62 gains at least a year's worth of learning for every year spent
 63 in the charter school.

64 (b)-(a) Charter schools shall fulfill the following
 65 purposes:

- 66 1. Improve student learning and academic achievement.
- 67 2. Increase learning opportunities for all students, with
 68 special emphasis on low-performing students and reading.
- 69 3. Create new professional opportunities for teachers,
 70 including ownership of the learning program at the school site.
- 71 4. Encourage the use of innovative learning methods.
- 72 5. Require the measurement of learning outcomes.

73 (c)-(b) Charter schools may fulfill the following purposes:

- 74 1. Create innovative measurement tools.
- 75 2. Provide rigorous competition within the public school
 76 district to stimulate continual improvement in all public
 77 schools.
- 78 3. Expand the capacity of the public school system.

79 (5) SPONSOR; DUTIES.--

80 (a) Sponsoring entities.--

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

84 2.-(b) A state university may grant a charter to a lab
 85 school created under s. 1002.32 and shall be considered to be
 86 the school's sponsor. Such school shall be considered a charter
 87 lab school.

88 (b) Sponsor duties.--

89 1.-(e) The sponsor shall monitor and review the charter
 90 school in its progress toward the goals established in the



HB 0055A

2003

91 charter.

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

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

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

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

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

108
109 A community college may work with the school district or school
110 districts in its designated service area to develop charter
111 schools that offer secondary education. These charter schools
112 must include an option for students to receive an associate
113 degree upon high school graduation. District school boards shall
114 cooperate with and assist the community college on the charter
115 application. Community college applications for charter schools
116 are not subject to the time deadlines outlined in subsection (6)
117 and may be approved by the district school board at any time
118 during the year. Community colleges shall not report FTE for any
119 students who receive FTE funding through the Florida Education
120 Finance Program.



HB 0055A

2003

121 (6) APPLICATION PROCESS AND REVIEW.--Beginning September
122 1, 2003, applications are subject to the following requirements:

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

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

128 2. Provides a detailed curriculum plan that illustrates
129 how students will be provided services to attain the Sunshine
130 State Standards.

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

136 4. Describes the reading curriculum and differentiated
137 strategies that will be used for students reading at grade level
138 or higher and a separate curriculum and strategies for students
139 who are reading below grade level. A sponsor shall deny a
140 charter if the school does not propose a reading curriculum that
141 is consistent with effective teaching strategies that are
142 grounded in scientifically based reading research.

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

149 (b)(a) A district school board shall receive and review
150 all applications for a charter school. A district school board



HB 0055A

2003

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

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

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

178 ~~3.2.~~ A district school board shall by a majority vote
179 approve or deny an application no later than 60 calendar days
180 after the application is received, unless the district school



HB 0055A

2003

181 board and the applicant mutually agree to temporarily postpone
182 the vote to a specific date, at which time the district school
183 board shall by a majority vote approve or deny the application.
184 If the district school board fails to act on the application,
185 an applicant may appeal to the State Board of Education as
186 provided in paragraph (c)~~(b)~~. If an application is denied, the
187 district school board shall, within 10 calendar days, articulate
188 in writing the specific reasons based upon good cause supporting
189 its denial of the charter application.

190 ~~4.3-~~ For budget projection purposes, the district school
191 board or other sponsor shall report to the Department of
192 Education the approval or denial of a charter application within
193 10 calendar days after such approval or denial. In the event of
194 approval, the report to the Department of Education shall
195 include the final projected FTE for the approved charter school.

196 ~~5.4-~~ Upon approval of a charter application, the initial
197 startup shall commence with the beginning of the public school
198 calendar for the district in which the charter is granted unless
199 the district school board allows a waiver of this provision for
200 good cause.

201 (c)~~(b)~~ An applicant may appeal any denial of that
202 applicant's application or failure to act on an application to
203 the State Board of Education no later than 30 calendar days
204 after receipt of the district school board's decision or failure
205 to act and shall notify the district school board of its appeal.
206 Any response of the district school board shall be submitted to
207 the State Board of Education within 30 calendar days after
208 notification of the appeal. Upon receipt of notification from
209 the State Board of Education that a charter school applicant is
210 filing an appeal, the Commissioner of Education shall convene a



HB 0055A

2003

211 meeting of the Charter School Appeal Commission to study and
 212 make recommendations to the State Board of Education regarding
 213 its pending decision about the appeal. The commission shall
 214 forward its recommendation to the state board no later than 7
 215 calendar days prior to the date on which the appeal is to be
 216 heard. The State Board of Education shall by majority vote
 217 accept or reject the decision of the district school board no
 218 later than 90 ~~60~~ calendar days after an appeal is filed in
 219 accordance with State Board of Education rule. The Charter
 220 School Appeal Commission may reject an appeal submission for
 221 failure to comply with procedural rules governing the appeals
 222 process. The rejection shall describe the submission errors. The
 223 appellant may have up to 15 calendar days from notice of
 224 rejection to resubmit an appeal that meets requirements of State
 225 Board of Education rule. An application for appeal submitted
 226 subsequent to such rejection shall be considered timely if the
 227 original appeal was filed within 30 calendar days after receipt
 228 of notice of the specific reasons for the district school
 229 board's denial of the charter application. The State Board of
 230 Education shall remand the application to the district school
 231 board with its written decision that the district school board
 232 approve or deny the application. The district school board shall
 233 implement the decision of the State Board of Education. The
 234 decision of the State Board of Education is not subject to the
 235 provisions of the Administrative Procedure Act, chapter 120.

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

240 (e)~~(d)~~1. A Charter School Appeal Commission is established



HB 0055A

2003

241 to assist the commissioner and the State Board of Education with
242 a fair and impartial review of appeals by applicants whose
243 charters have been denied or whose charter contracts have not
244 been renewed by their sponsors.

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

259 3. The commissioner shall appoint the members of the
260 Charter School Appeal Commission. Members shall serve without
261 compensation but may be reimbursed for travel and per diem
262 expenses in conjunction with their service. One-half of the
263 members must represent currently operating charter schools, and
264 one-half of the members must represent school districts. The
265 commissioner or a named designee shall chair the Charter School
266 Appeal Commission.

267 4. The chair shall convene meetings of the commission and
268 shall ensure that the written recommendations are completed and
269 forwarded in a timely manner. In cases where the commission
270 cannot reach a decision, the chair shall make the written



HB 0055A

2003

271 recommendation with justification, noting that the decision was
272 rendered by the chair.

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

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

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

298 (h)~~(g)~~ The terms and conditions for the operation of a
299 charter school shall be set forth by the sponsor and the
300 applicant in a written contractual agreement, called a charter.



HB 0055A

2003

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

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

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

330 1. The school's mission, the students to be served, and



HB 0055A

2003

331 the ages and grades to be included.

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

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

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

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

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

358
359 The district school board is required to provide academic
360 student performance data to charter schools for each of their



HB 0055A

2003

361 students coming from the district school system, as well as
362 rates of academic progress of comparable student populations in
363 the district school system.

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

373 5. In secondary charter schools, a method for determining
374 that a student has satisfied the requirements for graduation in
375 s. 1003.43.

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

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

380 8. The ways by which the school will achieve a
381 racial/ethnic balance reflective of the community it serves or
382 within the racial/ethnic range of other public schools in the
383 same school district.

384 9. The financial and administrative management of the
385 school, including a reasonable demonstration of the professional
386 experience or competence of those individuals or organizations
387 applying to operate the charter school or those hired or
388 retained to perform such professional services and the
389 description of clearly delineated responsibilities and the
390 policies and practices needed to effectively manage the charter



HB 0055A

2003

391 school. A description of internal audit procedures and
392 establishment of controls to ensure that financial resources are
393 properly managed must be included. Both public sector and
394 private sector professional experience shall be equally valid in
395 such a consideration.

396 10. The asset and liability projections required in the
397 application which are incorporated into the charter and which
398 shall be compared with information provided in the annual report
399 of the charter school. The charter shall ensure that, if a
400 charter school internal audit reveals a deficit financial
401 position, the auditors are required to notify the charter school
402 governing board, the sponsor, and the Department of Education.
403 The internal auditor shall report such findings in the form of
404 an exit interview to the principal or the principal
405 administrator of the charter school and the chair of the
406 governing board within 7 working days after finding the deficit
407 position. A final report shall be provided to the entire
408 governing board, the sponsor, and the Department of Education
409 within 14 working days after the exit interview.

410 ~~11.10.~~ A description of procedures that identify various
411 risks and provide for a comprehensive approach to reduce the
412 impact of losses; plans to ensure the safety and security of
413 students and staff; plans to identify, minimize, and protect
414 others from violent or disruptive student behavior; and the
415 manner in which the school will be insured, including whether or
416 not the school will be required to have liability insurance,
417 and, if so, the terms and conditions thereof and the amounts of
418 coverage.

419 ~~12.11.~~ The term of the charter which shall provide for
420 cancellation of the charter if insufficient progress has been



HB 0055A

2003

421 made in attaining the student achievement objectives of the
422 charter and if it is not likely that such objectives can be
423 achieved before expiration of the charter. The initial term of a
424 charter shall be for 3, 4, or 5 years. In order to facilitate
425 access to long-term financial resources for charter school
426 construction, charter schools that are operated by a
427 municipality or other public entity as provided by law are
428 eligible for up to a 15-year charter, subject to approval by the
429 district school board. A charter lab school is eligible for a
430 charter for a term of up to 15 years. In addition, to facilitate
431 access to long-term financial resources for charter school
432 construction, charter schools that are operated by a private,
433 not-for-profit, s. 501(c)(3) status corporation are eligible for
434 up to a 10-year charter, subject to approval by the district
435 school board. Such long-term charters remain subject to annual
436 review and may be terminated during the term of the charter, but
437 only for specific good cause according to the provisions set
438 forth in subsection (8).

439 ~~13.12.~~ The facilities to be used and their location.

440 ~~14.13.~~ The qualifications to be required of the teachers
441 and the potential strategies used to recruit, hire, train, and
442 retain qualified staff to achieve best value.

443 ~~15.14.~~ The governance structure of the school, including
444 the status of the charter school as a public or private employer
445 as required in paragraph (12)(i).

446 ~~16.15.~~ A timetable for implementing the charter which
447 addresses the implementation of each element thereof and the
448 date by which the charter shall be awarded in order to meet this
449 timetable.

450 ~~17.16.~~ In the case of an existing public school being



HB 0055A

2003

451 converted to charter status, alternative arrangements for
452 current students who choose not to attend the charter school and
453 for current teachers who choose not to teach in the charter
454 school after conversion in accordance with the existing
455 collective bargaining agreement or district school board rule in
456 the absence of a collective bargaining agreement. However,
457 alternative arrangements shall not be required for current
458 teachers who choose not to teach in a charter lab school, except
459 as authorized by the employment policies of the state university
460 which grants the charter to the lab school.

461 (b) A charter may be renewed every 5 school years,
462 provided that a program review demonstrates that the criteria in
463 paragraph (a) have been successfully accomplished and that none
464 of the grounds for nonrenewal established by paragraph (8)(a)
465 has been documented. In order to facilitate long-term financing
466 for charter school construction, charter schools operating for a
467 minimum of 2 years and demonstrating exemplary academic
468 programming and fiscal management are eligible for a 15-year
469 charter renewal. Such long-term charter is subject to annual
470 review and may be terminated during the term of the charter.

471 (c) A charter may be modified during its initial term or
472 any renewal term upon the recommendation of the sponsor or the
473 charter school governing board and the approval of both parties
474 to the agreement.

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

476 (a) At the end of the term of a charter, the sponsor may
477 choose not to renew the charter for any of the following
478 grounds:

479 1. Failure to participate in the state's education
480 accountability system created in s. 1008.31, as required in this



HB 0055A

2003

481 section, or failure to meet the requirements for student
482 performance stated in the charter.

483 2. Failure to meet generally accepted standards of fiscal
484 management.

485 3. Violation of law.

486 4. Other good cause shown.

487 (b) During the term of a charter, the sponsor may
488 terminate the charter for any of the grounds listed in paragraph
489 (a).

490 (c) At least 90 days prior to renewing or terminating a
491 charter, the sponsor shall notify the governing body of the
492 school of the proposed action in writing. The notice shall state
493 in reasonable detail the grounds for the proposed action and
494 stipulate that the school's governing body may, within 14
495 calendar days after receiving the notice, request an informal
496 hearing before the sponsor. The sponsor shall conduct the
497 informal hearing within 30 calendar days after receiving a
498 written request. The charter school's governing body may, within
499 14 calendar days after receiving the sponsor's decision to
500 terminate or refuse to renew the charter, appeal the decision
501 pursuant to the procedure established in subsection (6).

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

510 (e) When a charter is not renewed or is terminated, the



HB 0055A

2003

511 school shall be dissolved under the provisions of law under
512 which the school was organized, and any unencumbered public
513 funds from the charter school shall revert to the district
514 school board. In the event a charter school is dissolved or is
515 otherwise terminated, all district school board property and
516 improvements, furnishings, and equipment purchased with public
517 funds shall automatically revert to full ownership by the
518 district school board, subject to complete satisfaction of any
519 lawful liens or encumbrances. Any unencumbered public funds from
520 the charter school, district school board property and
521 improvements, furnishings, and equipment purchased with public
522 funds, or financial or other records pertaining to the charter
523 school, in the possession of any person, entity, or holding
524 company, other than the charter school, shall be held in trust
525 upon the district school board's request, until any appeal
526 status is resolved.

527 (f) If a charter is not renewed or is terminated, the
528 charter school is responsible for all debts of the charter
529 school. The district may not assume the debt from any contract
530 for services made between the governing body of the school and a
531 third party, except for a debt that is previously detailed and
532 agreed upon in writing by both the district and the governing
533 body of the school and that may not reasonably be assumed to
534 have been satisfied by the district.

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

539 (9) CHARTER SCHOOL REQUIREMENTS.--

540 (a) A charter school shall be nonsectarian in its



HB 0055A

2003

541 programs, admission policies, employment practices, and
542 operations.

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

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

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

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

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

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

557 (h) No organization shall hold more than 15 charters
558 statewide.

559 (i) In order to provide financial information that is
560 comparable to that reported for other public schools, charter
561 schools are to maintain all financial records which constitute
562 their accounting system:

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

567 2. At the discretion of the charter school governing
568 board, a charter school may elect to follow generally accepted
569 accounting standards for not-for-profit organizations, but must
570 reformat this information for reporting according to this



HB 0055A

2003

571 paragraph.

572

573 Charter schools are to provide annual financial report and
574 program cost report information in the state-required formats
575 for inclusion in district reporting in compliance with s.
576 1011.60(1). Charter schools that are operated by a municipality
577 or are a component unit of a parent nonprofit organization may
578 use the accounting system of the municipality or the parent but
579 must reformat this information for reporting according to this
580 paragraph.

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

583 (k) The governing body of the charter school shall
584 exercise continuing oversight over charter school operations ~~and~~
585 ~~make annual progress reports to its sponsor, which upon~~
586 ~~verification shall be forwarded to the Commissioner of Education~~
587 ~~at the same time as other annual school accountability reports.~~
588 ~~The report shall contain at least the following information:~~

589 (l) The governing body of the charter school shall report
590 its progress annually to its sponsor, which shall forward the
591 report to the Commissioner of Education at the same time as
592 other annual school accountability reports. The Department of
593 Education shall include in its compilation a notation if a
594 school failed to file its report by the deadline established by
595 the department. The report shall include at least the following
596 components:

597 1. Student achievement performance data, including the
598 information required for the annual school report and the
599 education accountability system governed by ss. 1008.31 and
600 1008.345. Charter schools are subject to the same accountability



HB 0055A

2003

601 requirements as other public schools, including reports of
 602 student achievement information that links baseline student data
 603 to the school's performance projections identified in the
 604 charter. The charter school shall identify reasons for any
 605 difference between projected and actual student performance ~~The~~
 606 ~~charter school's progress toward achieving the goals outlined in~~
 607 ~~its charter.~~

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

613 3. Documentation of the facilities in current use and any
 614 planned facilities for use by the charter school for instruction
 615 of students, administrative functions, or investment purposes
 616 ~~Financial records of the charter school, including revenues and~~
 617 ~~expenditures.~~

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

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

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

628 (10) ELIGIBLE STUDENTS.--

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



HB 0055A

2003

631 in which the charter school is located; however, in the case of
632 a charter lab school, the charter lab school shall be open to
633 any student eligible to attend the lab school as provided in s.
634 1002.32 or who resides in the school district in which the
635 charter lab school is located. Any eligible student shall be
636 allowed interdistrict transfer to attend a charter school when
637 based on good cause.

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

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

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

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

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

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

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

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

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



HB 0055A

2003

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

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

672 5. Students who meet reasonable academic, artistic, or
673 other eligibility standards established by the charter school
674 and included in the charter school application and charter or,
675 in the case of existing charter schools, standards that are
676 consistent with the school's mission and purpose. Such standards
677 shall be in accordance with current state law and practice in
678 public schools and may not discriminate against otherwise
679 qualified individuals.

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

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

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

690 (h) The capacity of the charter school shall be determined



HB 0055A

2003

691 annually by the governing board, in conjunction with the
692 sponsor, of the charter school in consideration of the factors
693 identified in this subsection.

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

695 ~~(a) The number of newly created charter schools is limited~~
696 ~~to no more than 28 in each school district that has 100,000 or~~
697 ~~more students, no more than 20 in each school district that has~~
698 ~~50,000 to 99,999 students, and no more than 12 in each school~~
699 ~~district with fewer than 50,000 students.~~

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

703 ~~(c) Notwithstanding any limit established by this~~
704 ~~subsection, a district school board or a charter school~~
705 ~~applicant shall have the right to request an increase of the~~
706 ~~limit on the number of charter schools authorized to be~~
707 ~~established within the district from the State Board of~~
708 ~~Education.~~

709 ~~(d) Whenever a municipality has submitted charter~~
710 ~~applications for the establishment of a charter school feeder~~
711 ~~pattern (elementary, middle, and senior high schools), and upon~~
712 ~~approval of each individual charter application by the district~~
713 ~~school board, such applications shall then be designated as one~~
714 ~~charter school for all purposes listed pursuant to this section.~~

715 ~~(20)(21) SERVICES.--~~

716 (a) A sponsor shall provide certain administrative and
717 educational services to charter schools. These services shall
718 include contract management services, full-time equivalent and
719 data reporting services, exceptional student education
720 administration services, test administration services,



HB 0055A

2003

721 processing of teacher certificate data services, and information
722 services. A total administrative fee for the provision of such
723 services shall be calculated based upon 5 percent of the
724 available funds defined in paragraph (17)(b) for all students.
725 However, a sponsor may only withhold a 5-percent administrative
726 fee for enrollment for up to and including 500 students. For
727 charter schools with a population of 501 or more students, the
728 difference between the total administrative fee calculation and
729 the amount of the administrative fee withheld may only be used
730 for capital outlay purposes specified in s. 1013.62(2) ~~Any~~
731 ~~administrative fee charged by the sponsor for the provision of~~
732 ~~services shall be limited to 5 percent of the available funds~~
733 ~~defined in paragraph (18)(b).~~

734 (b) If goods and services are made available to the
735 charter school through the contract with the school district,
736 they shall be provided to the charter school at a rate no
737 greater than the district's actual cost. To maximize the use of
738 state funds, school districts shall allow charter schools to
739 participate in the sponsor's bulk purchasing program if
740 applicable.

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



HB 0055A

2003

751 (23)~~(24)~~ ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
 752 receipt of the annual report required by paragraph (9)(1)~~(9)(k)~~,
 753 the Department of Education shall provide to the State Board of
 754 Education, the Commissioner of Education, the Governor, the
 755 President of the Senate, and the Speaker of the House of
 756 Representatives an analysis and comparison of the overall
 757 performance of charter school students, to include all students
 758 whose scores are counted as part of the statewide assessment
 759 program, versus comparable public school students in the
 760 district as determined by the statewide assessment program
 761 currently administered in the school district, and other
 762 assessments administered pursuant to s. 1008.22(3).

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

766 1002.32 Developmental research (laboratory) schools.--

767 (2) ESTABLISHMENT.--There is established a category of
 768 public schools to be known as developmental research
 769 (laboratory) schools (lab schools). Each lab school shall
 770 provide sequential instruction and shall be affiliated with the
 771 college of education within the state university of closest
 772 geographic proximity. A lab school to which a charter has been
 773 issued under s. 1002.33(5)(a)2.~~(5)(b)~~ must be affiliated with
 774 the college of education within the state university that issued
 775 the charter, but is not subject to the requirement that the
 776 state university be of closest geographic proximity. For the
 777 purpose of state funding, Florida Agricultural and Mechanical
 778 University, Florida Atlantic University, Florida State
 779 University, the University of Florida, and other universities
 780 approved by the State Board of Education and the Legislature are



HB 0055A

2003

781 authorized to sponsor a lab school ~~one or more lab schools~~. The
782 limitation of one lab school per university shall not apply to
783 the following charter lab schools authorized prior to June 1,
784 2003: Florida State University Charter Lab Elementary School in
785 Broward County, Florida Atlantic University Charter Lab 9-12
786 High School in Palm Beach County, and Florida Atlantic
787 University Charter Lab K-12 School in St. Lucie County.

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

790 (a) Each lab school shall be allocated its proportional
791 share of operating funds from the Florida Education Finance
792 Program as provided in s. 1011.62 and the General Appropriations
793 Act. The nonvoted ad valorem millage that would otherwise be
794 required for lab schools shall be allocated from state funds.
795 The required local effort funds calculated pursuant to s.
796 1011.62 shall be allocated from state funds to the schools as a
797 part of the allocation of operating funds pursuant to s.
798 1011.62. Each eligible lab school in operation as of September
799 1, 2002, shall also receive a proportional share of the sparsity
800 supplement as calculated pursuant to s. 1011.62. In addition,
801 each lab school shall receive its proportional share of all
802 categorical funds, with the exception of s. 1011.68, and new
803 categorical funds enacted after July 1, 1994, for the purpose of
804 elementary or secondary academic program enhancement. The sum of
805 funds available as provided in this paragraph shall be included
806 annually in the Florida Education Finance Program and
807 appropriate categorical programs funded in the General
808 Appropriations Act.

809 (c) All operating funds provided under this section shall
810 be deposited in a Lab School Trust Fund and shall be expended



HB 0055A

2003

811 for the purposes of this section. The university assigned a lab
 812 school shall be the fiscal agent for these funds, and all rules
 813 of the university governing the budgeting and expenditure of
 814 state funds shall apply to these funds unless otherwise provided
 815 by law or rule of the State Board of Education. The university
 816 board of trustees shall be the public employer of lab school
 817 personnel for collective bargaining purposes for lab schools in
 818 operation prior to the 2002-2003 fiscal year. Employees of
 819 charter lab schools authorized prior to June 1, 2003, but not in
 820 operation prior to the 2002-2003 fiscal year shall be employees
 821 of the entity holding the charter and must comply with the
 822 provisions of s. 1002.33(12).

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

832 Section 3. Section 1011.68, Florida Statutes, is amended
 833 to read:

834 1011.68 Funds for student transportation.--The annual
 835 allocation to each district for transportation to public school
 836 programs, including charter schools as provided in s.
 837 1002.33(17)~~(18)~~(b), of students in membership in kindergarten
 838 through grade 12 and in migrant and exceptional student programs
 839 below kindergarten shall be determined as follows:

840 (1) Subject to the rules of the State Board of Education,



HB 0055A

2003

841 each district shall determine the membership of students who are
842 transported:

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

844 (b) By reason of being students with disabilities or
845 enrolled in a teenage parent program, regardless of distance to
846 school.

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

849 (d) By reason of being career and technical, dual
850 enrollment, or students with disabilities transported from one
851 school center to another to participate in an instructional
852 program or service; or students with disabilities, transported
853 from one designation to another in the state, provided one
854 designation is a school center and provided the student's
855 individual educational plan (IEP) identifies the need for the
856 instructional program or service and transportation to be
857 provided by the school district. A "school center" is defined as
858 a public school center, community college, state university, or
859 other facility rented, leased, or owned and operated by the
860 school district or another public agency. A "dual enrollment
861 student" is defined as a public school student in membership in
862 both a public secondary school program and a community college
863 or a state university program under a written agreement to
864 partially fulfill ss. 1003.435 and 1007.23 and earning full-time
865 equivalent membership under s. 1011.62(1)(i).

866 (e) With respect to elementary school students whose grade
867 level does not exceed grade 6, by reason of being subjected to
868 hazardous walking conditions en route to or from school as
869 provided in s. 1006.23. Such rules shall, when appropriate,
870 provide for the determination of membership under this paragraph



HB 0055A

2003

871 for less than 1 year to accommodate the needs of students who
872 require transportation only until such hazardous conditions are
873 corrected.

874 (f) By reason of being a pregnant student or student
875 parent, and the child of a student parent as provided in s.
876 1003.54, regardless of distance from school.

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

879

880 $T = B + EX$. The elements of this formula are defined as follows:

881 T is the total dollar allocation for transportation. B is the
882 base transportation dollar allocation prorated by an adjusted
883 student membership count. The adjusted membership count shall be
884 derived from a multiplicative index function in which the base
885 student membership is adjusted by multiplying it by index
886 numbers that individually account for the impact of the price
887 level index, average bus occupancy, and the extent of rural
888 population in the district. EX is the base transportation dollar
889 allocation for disabled students prorated by an adjusted
890 disabled student membership count. The base transportation
891 dollar allocation for disabled students is the total state base
892 disabled student membership count weighted for increased costs
893 associated with transporting disabled students and multiplying
894 it by the prior year's average per student cost for
895 transportation. The adjusted disabled student membership count
896 shall be derived from a multiplicative index function in which
897 the weighted base disabled student membership is adjusted by
898 multiplying it by index numbers that individually account for
899 the impact of the price level index, average bus occupancy, and
900 the extent of rural population in the district. Each adjustment



HB 0055A

2003

901 factor shall be designed to affect the base allocation by no
902 more or less than 10 percent.

903 (3) The total allocation to each district for
904 transportation of students shall be the sum of the amounts
905 determined in subsection (2). If the funds appropriated for the
906 purpose of implementing this section are not sufficient to pay
907 the base transportation allocation and the base transportation
908 allocation for disabled students, the Department of Education
909 shall prorate the available funds on a percentage basis. If the
910 funds appropriated for the purpose of implementing this section
911 exceed the sum of the base transportation allocation and the
912 base transportation allocation for disabled students, the base
913 transportation allocation for disabled students shall be limited
914 to the amount calculated in subsection (2), and the remaining
915 balance shall be added to the base transportation allocation.

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

920 (5) Funds allocated or apportioned for the payment of
921 student transportation services may be used to pay for
922 transportation of students to and from school on local general
923 purpose transportation systems. Student transportation funds may
924 also be used to pay for transportation of students to and from
925 school in private passenger cars and boats when the
926 transportation is for isolated students, or students with
927 disabilities as defined by rule. Subject to the rules of the
928 State Board of Education, each school district shall determine
929 and report the number of assigned students using general purpose
930 transportation private passenger cars and boats. The allocation



HB 0055A

2003

931 per student must be equal to the allocation per student riding a
932 school bus.

933 (6) Notwithstanding other provisions of this section, in
934 no case shall any student or students be counted for
935 transportation funding more than once per day. This provision
936 includes counting students for funding pursuant to trips in
937 school buses, passenger cars, or boats or general purpose
938 transportation.

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

943 Section 4. Section 1013.62, Florida Statutes, is amended
944 to read:

945 1013.62 Charter schools capital outlay funding.--

946 (1) In each year in which funds are appropriated for
947 charter school capital outlay purposes, the Commissioner of
948 Education shall allocate the funds among eligible charter
949 schools. To be eligible for a funding allocation, a charter
950 school must:

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

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

955 3. Have been accredited by the Commission on Schools of
956 the Southern Association of Colleges and Schools.

957 (b) Have financial stability for future operation as a
958 charter school.

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



HB 0055A

2003

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

963 (e) Serve students in facilities that are not provided by
964 the charter school's sponsor ~~meet the provisions of subsection~~
965 ~~(6), must have received final approval from its sponsor pursuant~~
966 ~~to s. 1002.33 for operation during that fiscal year, and must~~
967 ~~serve students in facilities that are not provided by the~~
968 ~~charter school's sponsor.~~

969

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



HB 0055A

2003

991 the available funds among eligible charter schools. However, no
992 charter school or charter lab school shall receive state charter
993 school capital outlay funds in excess of the one-fifteenth cost
994 per student station formula if the charter school's combination
995 of state charter school capital outlay funds, capital outlay
996 funds calculated through the reduction in the administrative fee
997 provided in s. 1002.33(20), and capital outlay funds allowed in
998 s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per
999 student station formula. Funds shall be distributed on the basis
1000 of the capital outlay full-time equivalent membership by grade
1001 level, which shall be calculated by averaging the results of the
1002 second and third enrollment surveys. The Department of Education
1003 shall distribute capital outlay funds monthly, beginning in the
1004 first quarter of the fiscal year, based on one-twelfth of the
1005 amount the department reasonably expects the charter school to
1006 receive during that fiscal year. The commissioner shall adjust
1007 subsequent distributions as necessary to reflect each charter
1008 school's actual student enrollment as reflected in the second
1009 and third enrollment surveys. The commissioner shall establish
1010 the intervals and procedures for determining the projected and
1011 actual student enrollment of eligible charter schools.

1012 (2) A charter school's governing body may use charter
1013 school capital outlay funds for the following purposes ~~any~~
1014 ~~capital outlay purpose that is directly related to the~~
1015 ~~functioning of the charter school, including the:~~

1016 (a) Purchase of real property.

1017 (b) ~~Construction, renovation, repair, and maintenance of~~
1018 school facilities.

1019 (c) Purchase, lease-purchase, or lease of permanent or
1020 relocatable school facilities.



HB 0055A

2003

1021 (d) Purchase of vehicles to transport students to and from
 1022 the charter school.

1023 (e) Renovation, repair, and maintenance of school
 1024 facilities that the charter school owns or is purchasing through
 1025 a lease-purchase or long-term lease of 5 years or longer.

1026
 1027 Conversion charter schools may use capital outlay funds received
 1028 through the reduction in the administrative fee provided in s.
 1029 1002.33(20) for renovation, repair, and maintenance of school
 1030 facilities that are owned by the sponsor.

1031 (3) When a charter school is nonrenewed or terminated, any
 1032 unencumbered funds and all equipment and property purchased with
 1033 district public funds shall revert to the ownership of the
 1034 district school board, as provided for in s. 1002.33(8)(e) and
 1035 (f). In the case of a charter lab school, any unencumbered funds
 1036 and all equipment and property purchased with university public
 1037 funds shall revert to the ownership of the state university that
 1038 issued the charter. The reversion of such equipment, property,
 1039 and furnishings shall focus on recoverable assets, but not on
 1040 intangible or irrecoverable costs such as rental or leasing
 1041 fees, normal maintenance, and limited renovations. The reversion
 1042 of all property secured with public funds is subject to the
 1043 complete satisfaction of all lawful liens or encumbrances. If
 1044 there are additional local issues such as the shared use of
 1045 facilities or partial ownership of facilities or property, these
 1046 issues shall be agreed to in the charter contract prior to the
 1047 expenditure of funds.

1048 (4) The Commissioner of Education shall specify procedures
 1049 for submitting and approving requests for funding under this
 1050 section and procedures for documenting expenditures.



HB 0055A

2003

1051 (5) The annual legislative budget request of the
1052 Department of Education shall include a request for capital
1053 outlay funding for charter schools. The request shall be based
1054 on the projected number of students to be served in charter
1055 schools who meet the eligibility requirements of this section. A
1056 dedicated funding source, if identified in writing by the
1057 Commissioner of Education and submitted along with the annual
1058 charter school legislative budget request, may be considered an
1059 additional source of funding.

1060 (6) Unless authorized otherwise by the Legislature,
1061 allocation and proration of charter school capital outlay funds
1062 shall be made to eligible charter schools by the Commissioner of
1063 Education in an amount and in a manner authorized by subsection
1064 (1).

1065 (7) Notwithstanding the provisions of this section,
1066 beginning in the 2003-2004 fiscal year:

1067 (a) If the appropriation for charter school capital outlay
1068 funds is no greater than the 2002-2003 appropriation, the funds
1069 shall be allocated according to the formula outlined in
1070 subsection (1) to:

- 1071 1. The same schools that received funding in 2002-2003.
- 1072 2. Schools that are an expanded feeder pattern of schools
1073 that received funding in 2002-2003.
- 1074 3. Schools that have an approved charter and are serving
1075 students at the start of the 2003-2004 school year and either
1076 incurred long-term financial obligations prior to January 31,
1077 2003, or began construction on educational facilities prior to
1078 December 31, 2002.

1079 (b) If the appropriation for charter school capital outlay
1080 funds is less than the 2002-2003 appropriation, the funds shall



HB 0055A

2003

1081 be prorated among the schools eligible in paragraph (a).

1082 (c) If the appropriation for charter school capital outlay
1083 funds is greater than the 2002-2003 appropriation, the amount of
1084 funds provided in the 2002-2003 appropriation shall be allocated
1085 according to paragraph (a). First priority for allocating the
1086 amount in excess of the 2002-2003 appropriation shall be to
1087 prorate the excess funds among the charter schools with long-
1088 term debt or long-term lease to the extent that the initial
1089 allocation is insufficient to provide one-fifteenth of the cost
1090 per student station specified in s. 1013.64(6)(b), and second
1091 priority shall be to other eligible charter schools.

1092 Section 5. If any law amended by this act was also amended
1093 by a law enacted at the 2003 Regular Session of the Legislature,
1094 such laws shall be construed as if they had been enacted at the
1095 same session of the Legislature, and full effect shall be given
1096 to each if possible.

1097 Section 6. This act shall take effect July 1, 2003.