

By Senator Margolis

35-819-06

See HB 135

1                                   A bill to be entitled

2           An act relating to charter schools; amending s.

3           1002.33, F.S.; providing that the sponsor of a

4           charter school shall not be liable for civil

5           damages for certain actions; providing that the

6           duty to monitor a charter school shall not be

7           the basis for a private cause of action;

8           expanding a school district's immunity from

9           assumption of contractual debts; providing an

10          effective date.

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

14           Section 1. Paragraph (b) of subsection (5) and

15          paragraph (f) of subsection (8) of section 1002.33, Florida

16          Statutes, are amended to read:

17           1002.33 Charter schools.--

18           (5) SPONSOR; DUTIES.--

19           (b) Sponsor duties.--

20           1.a. The sponsor shall monitor and review the charter

21          school in its progress toward the goals established in the

22          charter.

23           ~~b.2.~~ The sponsor shall monitor the revenues and

24          expenditures of the charter school.

25           ~~c.3.~~ The sponsor may approve a charter for a charter

26          school before the applicant has secured space, equipment, or

27          personnel, if the applicant indicates approval is necessary

28          for it to raise working capital.

29           ~~d.4.~~ The sponsor's policies shall not apply to a

30          charter school.

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1           ~~e.5.~~ The sponsor shall ensure that the charter is  
2 innovative and consistent with the state education goals  
3 established by s. 1000.03(5).

4           ~~f.6.~~ The sponsor shall ensure that the charter school  
5 participates in the state's education accountability system.  
6 If a charter school falls short of performance measures  
7 included in the approved charter, the sponsor shall report  
8 such shortcomings to the Department of Education.

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

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

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

19           2. Nothing contained in this paragraph shall be  
20 considered a waiver of sovereign immunity by a district school  
21 board.

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23 A community college may work with the school district or  
24 school districts in its designated service area to develop  
25 charter schools that offer secondary education. These charter  
26 schools must include an option for students to receive an  
27 associate degree upon high school graduation. District school  
28 boards shall cooperate with and assist the community college  
29 on the charter application. Community college applications for  
30 charter schools are not subject to the time deadlines outlined  
31 in subsection (6) and may be approved by the district school

1 board at any time during the year. Community colleges shall  
2 not report FTE for any students who receive FTE funding  
3 through the Florida Education Finance Program.

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

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

13 Section 2. This act shall take effect July 1, 2006.  
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