

By the Committee on Judiciary; and Senator Margolis

590-1974-06

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 prescribing limits on immunities of a charter
9 school sponsor; providing that nothing related
10 to a sponsor's duties shall be considered a
11 waiver of sovereign immunity by a sponsor;
12 expanding a school district's immunity from
13 assumption of contractual debts; providing an
14 effective date.

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

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18 Section 1. Paragraph (b) of subsection (5) and
19 paragraph (f) of subsection (8) of section 1002.33, Florida
20 Statutes, are amended to read:

21 1002.33 Charter schools.--

22 (5) SPONSOR; DUTIES.--

23 (b) Sponsor duties.--

24 1.a. The sponsor shall monitor and review the charter
25 school in its progress toward the goals established in the
26 charter.

27 ~~b.2.~~ The sponsor shall monitor the revenues and
28 expenditures of the charter school.

29 ~~c.3.~~ The sponsor may approve a charter for a charter
30 school before the applicant has secured space, equipment, or
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1 personnel, if the applicant indicates approval is necessary
2 for it to raise working capital.

3 ~~d.4.~~ The sponsor's policies shall not apply to a
4 charter school.

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

8 ~~f.6.~~ The sponsor shall ensure that the charter school
9 participates in the state's education accountability system.

10 If a charter school falls short of performance measures
11 included in the approved charter, the sponsor shall report
12 such shortcomings to the Department of Education.

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

17 h. The sponsor shall not be liable for civil damages
18 under state law for any employment actions taken by an
19 officer, employee, agent, or governing body of the charter
20 school.

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

23 2. Immunity for the sponsor of a charter school under
24 this paragraph applies only with respect to acts or omissions
25 that are not under the sponsor's direct authority as described
26 in this section.

27 3. Nothing contained in this paragraph shall be
28 considered a waiver of sovereign immunity by a sponsor.

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30 A community college may work with the school district or
31 school districts in its designated service area to develop

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

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

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

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

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22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 1030

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25 The committee substitute makes the following changes to the
26 underlying bill:

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27 -- Limits immunity to those acts or omissions that are not
28 subject to the sponsor's direct authority, as provided in
29 statute; and

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29 -- Replaces the "district school board" with "sponsor" to
30 provide for consistency in application of the provision
31 relating to non-waiver of sovereign immunity so that the
32 provision also applies to university sponsors of charter
33 schools, as well as district school boards.

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