

CHAMBER ACTION

1 The Choice & Innovation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to charter schools; amending s. 1002.33,  
7 F.S.; providing that the sponsor of a charter school shall  
8 not be liable for civil damages for certain actions;  
9 providing that the duty to monitor a charter school shall  
10 not be the basis for a private cause of action;  
11 prescribing limits on immunities of a charter school  
12 sponsor; expanding a school district's immunity from  
13 assumption of contractual debts; providing an effective  
14 date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Paragraph (b) of subsection (5) and paragraph  
19 (f) of subsection (8) of section 1002.33, Florida Statutes, are  
20 amended to read:

21 1002.33 Charter schools.--

22 (5) SPONSOR; DUTIES.--

23 (b) Sponsor duties.--

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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  
31 personnel, if the applicant indicates approval is necessary for  
32 it to raise working capital.

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

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

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

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

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

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

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52        2. Immunity for the sponsor of a charter school under  
53 subparagraph 1. applies only with respect to acts or omissions  
54 not under the sponsor's direct authority as described in this  
55 section.

56        3. Nothing contained in this paragraph shall be considered  
57 a waiver of sovereign immunity by a district school board.

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59 A community college may work with the school district or school  
60 districts in its designated service area to develop charter  
61 schools that offer secondary education. These charter schools  
62 must include an option for students to receive an associate  
63 degree upon high school graduation. District school boards shall  
64 cooperate with and assist the community college on the charter  
65 application. Community college applications for charter schools  
66 are not subject to the time deadlines outlined in subsection (6)  
67 and may be approved by the district school board at any time  
68 during the year. Community colleges shall not report FTE for any  
69 students who receive FTE funding through the Florida Education  
70 Finance Program.

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

72        (f) If a charter is not renewed or is terminated, the  
73 charter school is responsible for all debts of the charter  
74 school. The district may not assume the debt from any contract  
75 ~~for services~~ made between the governing body of the school and a  
76 third party, except for a debt that is previously detailed and  
77 agreed upon in writing by both the district and the governing  
78 body of the school and that may not reasonably be assumed to  
79 have been satisfied by the district.

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