

CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to charter schools; amending s. 1002.33,
8 F.S.; revising charter school purposes; modifying
9 provisions relating to duties of sponsors, the application
10 process, denial of an application, and review of appeals;
11 requiring the Department of Education to provide technical
12 assistance to charter school applicants; providing
13 requirements relating to charter contracts; providing
14 procedures when a state of financial emergency exists;
15 revising provisions relating to charter terms and renewal;
16 revising nonrenewal and termination provisions, including
17 procedures for immediate termination; revising provisions
18 relating to the reversion of funds; revising duties of a
19 charter school governing body relating to audits;
20 requiring the department to develop a uniform
21 accountability report; providing procedures with respect
22 to charter schools with deficiencies; requiring a school
23 improvement plan to raise student achievement; providing

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24 | for probation and corrective actions; revising provisions
25 | relating to payment and reimbursement to a charter school
26 | by a school district and authorizing the withholding of
27 | lottery funds under certain circumstances; authorizing the
28 | State Board of Education to impose a fine on or withhold
29 | lottery funds from a school district for certain
30 | violations; requiring conversion charter schools to comply
31 | with certain facility requirements under specific
32 | situations; authorizing certain zoning and land use
33 | designations for certain charter school facilities;
34 | revising exemption from assessment of fees; authorizing
35 | the department to recommend that school districts make
36 | certain space available to charter schools; providing for
37 | additional services to charter schools and revising
38 | administrative fee requirements; requiring the department
39 | to develop a standard format for applications, charters,
40 | and charter renewals; requiring legislative review of
41 | charter schools in 2010; amending s. 218.39, F.S.;
42 | requiring the governing body of a charter school to be
43 | notified of certain deteriorating financial conditions;
44 | amending s. 218.50, F.S.; modifying a short title;
45 | amending s. 218.501, F.S.; including charter schools in
46 | the statement of purpose relating to financial management;
47 | amending s. 218.503, F.S.; providing for charter schools
48 | to be subject to provisions governing financial
49 | emergencies; providing procedures; amending s. 218.504,
50 | F.S.; providing for cessation of state action related to a
51 | state of financial emergency; amending s. 11.45, F.S.;

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52 conforming provisions; amending s. 1003.05, F.S.;

53 modifying the list of special academic programs for

54 transitioning students from military families; amending s.

55 1012.74, F.S.; providing that educator professional

56 liability insurance shall cover charter school personnel;

57 providing effective dates.

58

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

60

61 Section 1. Section 1002.33, Florida Statutes, is amended

62 to read:

63 1002.33 Charter schools.--

64 (1) AUTHORIZATION.--Charter schools shall be part of the

65 state's program of public education. All charter schools in

66 Florida are public schools. A charter school may be formed by

67 creating a new school or converting an existing public school to

68 charter status. A public school may not use the term charter in

69 its name unless it has been approved under this section.

70 (2) GUIDING PRINCIPLES; PURPOSE.--

71 (a) Charter schools in Florida shall be guided by the

72 following principles:

73 1. Meet high standards of student achievement while

74 providing parents flexibility to choose among diverse

75 educational opportunities within the state's public school

76 system.

77 2. Promote enhanced academic success and financial

78 efficiency by aligning responsibility with accountability.

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79 | 3. Provide parents with sufficient information on whether
80 | their child is reading at grade level and whether the child
81 | gains at least a year's worth of learning for every year spent
82 | in the charter school.

83 | (b) Charter schools shall fulfill the following purposes:

84 | 1. Improve student learning and academic achievement.

85 | 2. Increase learning opportunities for all students, with
86 | special emphasis on low-performing students and reading.

87 | ~~3. Create new professional opportunities for teachers,~~
88 | ~~including ownership of the learning program at the school site.~~

89 | 3.4. Encourage the use of innovative learning methods.

90 | ~~4.5.~~ Require the measurement of learning outcomes.

91 | (c) Charter schools may fulfill the following purposes:

92 | 1. Create innovative measurement tools.

93 | 2. Provide rigorous competition within the public school
94 | district to stimulate continual improvement in all public
95 | schools.

96 | 3. Expand the capacity of the public school system.

97 | 4. Mitigate the educational impact created by the
98 | development of new residential dwelling units.

99 | 5. Create new professional opportunities for teachers,
100 | including ownership of the learning program at the school site.

101 | (3) APPLICATION FOR CHARTER STATUS.--

102 | (a) An application for a new charter school may be made by
103 | an individual, teachers, parents, a group of individuals, a
104 | municipality, or a legal entity organized under the laws of this
105 | state.

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106 (b) An application for a conversion charter school shall
 107 be made by the district school board, the principal, teachers,
 108 parents, and/or the school advisory council at an existing
 109 public school that has been in operation for at least 2 years
 110 prior to the application to convert. ~~including~~ A public school-
 111 within-a-school that is designated as a school by the district
 112 school board may also submit an application to convert to
 113 charter status. An application submitted proposing to convert an
 114 existing public school to a charter school shall demonstrate the
 115 support of at least 50 percent of the teachers employed at the
 116 school and 50 percent of the parents voting whose children are
 117 enrolled at the school, provided that a majority of the parents
 118 eligible to vote participate in the ballot process, according to
 119 rules adopted by the State Board of Education. A district school
 120 board denying an application for a conversion charter school
 121 shall provide notice of denial to the applicants in writing
 122 within 10 ~~30~~ days after the meeting at which the district school
 123 board denied the application. The notice must articulate in
 124 writing ~~specify~~ the specific ~~exact~~ reasons for denial and must
 125 provide documentation supporting those reasons. A private
 126 school, parochial school, or home education program shall not be
 127 eligible for charter school status.

128 (4) UNLAWFUL REPRISAL.--

129 (a) No district school board, or district school board
 130 employee who has control over personnel actions, shall take
 131 unlawful reprisal against another district school board employee
 132 because that employee is either directly or indirectly involved
 133 with an application to establish a charter school. As used in

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134 | this subsection, the term "unlawful reprisal" means an action
135 | taken by a district school board or a school system employee
136 | against an employee who is directly or indirectly involved in a
137 | lawful application to establish a charter school, which occurs
138 | as a direct result of that involvement, and which results in one
139 | or more of the following: disciplinary or corrective action;
140 | adverse transfer or reassignment, whether temporary or
141 | permanent; suspension, demotion, or dismissal; an unfavorable
142 | performance evaluation; a reduction in pay, benefits, or
143 | rewards; elimination of the employee's position absent of a
144 | reduction in workforce as a result of lack of moneys or work; or
145 | other adverse significant changes in duties or responsibilities
146 | that are inconsistent with the employee's salary or employment
147 | classification. The following procedures shall apply to an
148 | alleged unlawful reprisal that occurs as a consequence of an
149 | employee's direct or indirect involvement with an application to
150 | establish a charter school:

151 | 1. Within 60 days after the date upon which a reprisal
152 | prohibited by this subsection is alleged to have occurred, an
153 | employee may file a complaint with the Department of Education.

154 | 2. Within 3 working days after receiving a complaint under
155 | this section, the Department of Education shall acknowledge
156 | receipt of the complaint and provide copies of the complaint and
157 | any other relevant preliminary information available to each of
158 | the other parties named in the complaint, which parties shall
159 | each acknowledge receipt of such copies to the complainant.

160 | 3. If the Department of Education determines that the
161 | complaint demonstrates reasonable cause to suspect that an

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162 unlawful reprisal has occurred, the Department of Education
163 shall conduct an investigation to produce a fact-finding report.

164 4. Within 90 days after receiving the complaint, the
165 Department of Education shall provide the district school
166 superintendent of the complainant's district and the complainant
167 with a fact-finding report that may include recommendations to
168 the parties or a proposed resolution of the complaint. The fact-
169 finding report shall be presumed admissible in any subsequent or
170 related administrative or judicial review.

171 5. If the Department of Education determines that
172 reasonable grounds exist to believe that an unlawful reprisal
173 has occurred, is occurring, or is to be taken, and is unable to
174 conciliate a complaint within 60 days after receipt of the fact-
175 finding report, the Department of Education shall terminate the
176 investigation. Upon termination of any investigation, the
177 Department of Education shall notify the complainant and the
178 district school superintendent of the termination of the
179 investigation, providing a summary of relevant facts found
180 during the investigation and the reasons for terminating the
181 investigation. A written statement under this paragraph is
182 presumed admissible as evidence in any judicial or
183 administrative proceeding.

184 6. The Department of Education shall either contract with
185 the Division of Administrative Hearings under s. 120.65, or
186 otherwise provide for a complaint for which the Department of
187 Education determines reasonable grounds exist to believe that an
188 unlawful reprisal has occurred, is occurring, or is to be taken,
189 and is unable to conciliate, to be heard by a panel of impartial

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190 persons. Upon hearing the complaint, the panel shall make
191 findings of fact and conclusions of law for a final decision by
192 the Department of Education.

193

194 It shall be an affirmative defense to any action brought
195 pursuant to this section that the adverse action was predicated
196 upon grounds other than, and would have been taken absent, the
197 employee's exercise of rights protected by this section.

198 (b) In any action brought under this section for which it
199 is determined reasonable grounds exist to believe that an
200 unlawful reprisal has occurred, is occurring, or is to be taken,
201 the relief shall include the following:

202 1. Reinstatement of the employee to the same position held
203 before the unlawful reprisal was commenced, or to an equivalent
204 position, or payment of reasonable front pay as alternative
205 relief.

206 2. Reinstatement of the employee's full fringe benefits
207 and seniority rights, as appropriate.

208 3. Compensation, if appropriate, for lost wages, benefits,
209 or other lost remuneration caused by the unlawful reprisal.

210 4. Payment of reasonable costs, including attorney's fees,
211 to a substantially prevailing employee, or to the prevailing
212 employer if the employee filed a frivolous action in bad faith.

213 5. Issuance of an injunction, if appropriate, by a court
214 of competent jurisdiction.

215 6. Temporary reinstatement to the employee's former
216 position or to an equivalent position, pending the final outcome
217 of the complaint, if it is determined that the action was not

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218 | made in bad faith or for a wrongful purpose, and did not occur
219 | after a district school board's initiation of a personnel action
220 | against the employee that includes documentation of the
221 | employee's violation of a disciplinary standard or performance
222 | deficiency.

223 | (5) SPONSOR; DUTIES.--

224 | (a) Sponsoring entities.--

225 | 1. A district school board may sponsor a charter school in
226 | the county over which the district school board has
227 | jurisdiction.

228 | 2. A state university may grant a charter to a lab school
229 | created under s. 1002.32 and shall be considered to be the
230 | school's sponsor. Such school shall be considered a charter lab
231 | school.

232 | (b) Sponsor duties.--

233 | 1. The sponsor shall monitor and review the charter school
234 | in its progress toward the goals established in the charter.

235 | 2. The sponsor shall monitor the revenues and expenditures
236 | of the charter school.

237 | 3. The sponsor may approve a charter for a charter school
238 | before the applicant has secured space, equipment, or personnel,
239 | if the applicant indicates approval is necessary for it to raise
240 | working funds ~~capital~~.

241 | 4. The sponsor's policies shall not apply to a charter
242 | school unless mutually agreed to by both the sponsor and the
243 | charter school.

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244 5. The sponsor shall ensure that the charter is innovative
245 and consistent with the state education goals established by s.
246 1000.03(5).

247 6. The sponsor shall ensure that the charter school
248 participates in the state's education accountability system. If
249 a charter school falls short of performance measures included in
250 the approved charter, the sponsor shall report such shortcomings
251 to the Department of Education.

252 7. The sponsor shall not impose additional reporting
253 requirements on a charter school without providing reasonable
254 and specific justification in writing to the charter school.
255

256 A community college may work with the school district or school
257 districts in its designated service area to develop charter
258 schools that offer secondary education. These charter schools
259 must include an option for students to receive an associate
260 degree upon high school graduation. District school boards shall
261 cooperate with and assist the community college on the charter
262 application. Community college applications for charter schools
263 are not subject to the time deadlines outlined in subsection (6)
264 and may be approved by the district school board at any time
265 during the year. Community colleges shall not report FTE for any
266 students who receive FTE funding through the Florida Education
267 Finance Program.

268 (6) APPLICATION PROCESS AND REVIEW.--Charter school
269 ~~Beginning September 1, 2003,~~ applications are subject to the
270 following requirements:

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

273 1. Demonstrates how the school will use the guiding
274 principles and meet the statutorily defined purpose of a charter
275 school.

276 2. Provides a detailed curriculum plan that illustrates
277 how students will be provided services to attain the Sunshine
278 State Standards.

279 3. Contains goals and objectives for improving student
280 learning and measuring that improvement. These goals and
281 objectives must indicate how much academic improvement students
282 are expected to show each year, how success will be evaluated,
283 and the specific results to be attained through instruction.

284 4. Describes the reading curriculum and differentiated
285 strategies that will be used for students reading at grade level
286 or higher and a separate curriculum and strategies for students
287 who are reading below grade level. A sponsor shall deny a
288 charter if the school does not propose a reading curriculum that
289 is consistent with effective teaching strategies that are
290 grounded in scientifically based reading research.

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

297 (b) A district school board shall receive and review all
298 applications for a charter school. Beginning with the 2007-2008

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299 | school year, a district school board shall receive and consider
300 | charter school applications received on or before August
301 | ~~September~~ 1 of each calendar year for charter schools to be
302 | opened at the beginning of the school district's next school
303 | year, or to be opened at a time agreed to by the applicant and
304 | the district school board. A district school board may receive
305 | applications later than this date if it chooses. A sponsor may
306 | not charge an applicant for a charter any fee for the processing
307 | or consideration of an application, and a sponsor may not base
308 | its consideration or approval of an application upon the promise
309 | of future payment of any kind.

310 | 1. In order to facilitate an accurate budget projection
311 | process, a district school board shall be held harmless for FTE
312 | students who are not included in the FTE projection due to
313 | approval of charter school applications after the FTE projection
314 | deadline. In a further effort to facilitate an accurate budget
315 | projection, within 15 calendar days after receipt of a charter
316 | school application, a district school board or other sponsor
317 | shall report to the Department of Education the name of the
318 | applicant entity, the proposed charter school location, and its
319 | projected FTE.

320 | 2. In order to ensure fiscal responsibility, an
321 | application for a charter school shall include a full accounting
322 | of expected assets, a projection of expected sources and amounts
323 | of income, including income derived from projected student
324 | enrollments and from community support, and an expense
325 | projection that includes full accounting of the costs of
326 | operation, including start-up costs.

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327 3. A district school board shall by a majority vote
328 approve or deny an application no later than 60 calendar days
329 after the application is received, unless the district school
330 board and the applicant mutually agree in writing to temporarily
331 postpone the vote to a specific date, at which time the district
332 school board shall by a majority vote approve or deny the
333 application. If the district school board fails to act on the
334 application, an applicant may appeal to the State Board of
335 Education as provided in paragraph (c). If an application is
336 denied, the district school board shall, within 10 calendar
337 days, articulate in writing the specific reasons for ~~based upon~~
338 ~~good cause supporting~~ its denial of the charter application and
339 shall provide the letter of denial and supporting documentation
340 to the applicant and to the Department of Education supporting
341 those reasons.

342 4. For budget projection purposes, the district school
343 board or other sponsor shall report to the Department of
344 Education the approval or denial of a charter application within
345 10 calendar days after such approval or denial. In the event of
346 approval, the report to the Department of Education shall
347 include the final projected FTE for the approved charter school.

348 5. Upon approval of a charter application, the initial
349 startup shall commence with the beginning of the public school
350 calendar for the district in which the charter is granted unless
351 the sponsor ~~district school board~~ allows a waiver of this
352 provision for good cause.

353 (c) An applicant may appeal any denial of that applicant's
354 application or failure to act on an application to the State

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355 Board of Education no later than 30 calendar days after receipt
356 of the district school board's decision or failure to act and
357 shall notify the district school board of its appeal. Any
358 response of the district school board shall be submitted to the
359 State Board of Education within 30 calendar days after
360 notification of the appeal. Upon receipt of notification from
361 the State Board of Education that a charter school applicant is
362 filing an appeal, the Commissioner of Education shall convene a
363 meeting of the Charter School Appeal Commission to study and
364 make recommendations to the State Board of Education regarding
365 its pending decision about the appeal. The commission shall
366 forward its recommendation to the state board no later than 7
367 calendar days prior to the date on which the appeal is to be
368 heard. The State Board of Education shall by majority vote
369 accept or reject the decision of the district school board no
370 later than 90 calendar days after an appeal is filed in
371 accordance with State Board of Education rule. The Charter
372 School Appeal Commission may reject an appeal submission for
373 failure to comply with procedural rules governing the appeals
374 process. The rejection shall describe the submission errors. The
375 appellant may have up to 15 calendar days from notice of
376 rejection to resubmit an appeal that meets requirements of State
377 Board of Education rule. An application for appeal submitted
378 subsequent to such rejection shall be considered timely if the
379 original appeal was filed within 30 calendar days after receipt
380 of notice of the specific reasons for the district school
381 board's denial of the charter application. The State Board of
382 Education shall remand the application to the district school

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383 board with its written decision that the district school board
384 approve or deny the application. The district school board shall
385 implement the decision of the State Board of Education. The
386 decision of the State Board of Education is not subject to the
387 provisions of the Administrative Procedure Act, chapter 120.

388 (d) The district school board shall act upon the decision
389 of the State Board of Education within 30 calendar days after it
390 is received. The State Board of Education's decision is a final
391 action subject to judicial review in the district court of
392 appeal.

393 (e)1. A Charter School Appeal Commission is established to
394 assist the commissioner and the State Board of Education with a
395 fair and impartial review of appeals by applicants whose charter
396 applications have been denied, whose charter contracts have not
397 been renewed, or whose charter contracts have been terminated by
398 their sponsors, ~~or whose disputes over contract negotiations~~
399 ~~have not been resolved through mediation~~.

400 2. The Charter School Appeal Commission may receive copies
401 of the appeal documents forwarded to the State Board of
402 Education, review the documents, gather other applicable
403 information regarding the appeal, and make a written
404 recommendation to the commissioner. The recommendation must
405 state whether the appeal should be upheld or denied and include
406 the reasons for the recommendation being offered. The
407 commissioner shall forward the recommendation to the State Board
408 of Education no later than 7 calendar days prior to the date on
409 which the appeal is to be heard. The state board must consider
410 the commission's recommendation in making its decision, but is

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411 not bound by the recommendation. The decision of the Charter
412 School Appeal Commission is not subject to the provisions of the
413 Administrative Procedure Act, chapter 120.

414 3. The commissioner shall appoint the members of the
415 Charter School Appeal Commission. Members shall serve without
416 compensation but may be reimbursed for travel and per diem
417 expenses in conjunction with their service. One-half of the
418 members must represent currently operating charter schools, and
419 one-half of the members must represent school districts. The
420 commissioner or a named designee shall chair the Charter School
421 Appeal Commission.

422 4. The chair shall convene meetings of the commission and
423 shall ensure that the written recommendations are completed and
424 forwarded in a timely manner. In cases where the commission
425 cannot reach a decision, the chair shall make the written
426 recommendation with justification, noting that the decision was
427 rendered by the chair.

428 5. Commission members shall thoroughly review the
429 materials presented to them from the appellant and the sponsor.
430 The commission may request information to clarify the
431 documentation presented to it. In the course of its review, the
432 commission may facilitate the postponement of an appeal in those
433 cases where additional time and communication may negate the
434 need for a formal appeal and both parties agree, in writing, to
435 postpone the appeal to the State Board of Education. A new date
436 certain for the appeal shall then be set based upon the rules
437 and procedures of the State Board of Education. Commission
438 members shall provide a written recommendation to the state

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439 board as to whether the appeal should be upheld or denied. A
440 fact-based justification for the recommendation must be
441 included. The chair must ensure that the written recommendation
442 is submitted to the State Board of Education members no later
443 than 7 calendar days prior to the date on which the appeal is to
444 be heard. Both parties in the case shall also be provided a copy
445 of the recommendation.

446 (f) The Department of Education shall offer or arrange for
447 training and technical assistance to charter school applicants
448 in developing business plans and estimating costs and income.
449 This assistance shall address estimating startup costs,
450 projecting enrollment, and identifying the types and amounts of
451 state and federal financial assistance the charter school will
452 be eligible to receive. The department of ~~Education~~ may provide
453 other technical assistance to an applicant upon written request.

454 (g) In considering charter applications for a lab school,
455 a state university shall consult with the district school board
456 of the county in which the lab school is located. The decision
457 of a state university may be appealed pursuant to the procedure
458 established in this subsection.

459 (h) The terms and conditions for the operation of a
460 charter school shall be set forth by the sponsor and the
461 applicant in a written contractual agreement, called a charter.
462 The sponsor shall not impose unreasonable rules or regulations
463 that violate the intent of giving charter schools greater
464 flexibility to meet educational goals. The applicant and sponsor
465 shall have 60 days to provide an initial proposed charter
466 contract to the charter school and 75 days thereafter to

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467 | negotiate the contract and ~~6 months in which~~ to mutually agree
468 | to the provisions of the final charter contract. The proposed
469 | charter shall be provided to the charter school at least 7
470 | calendar days prior to the date on which the charter is
471 | scheduled to be heard by the sponsor. The Department of
472 | Education shall provide mediation services for any dispute
473 | regarding this section subsequent to the approval of a charter
474 | application and for any dispute relating to the approved
475 | charter, except disputes regarding charter school application
476 | denials. If the Commissioner of Education determines that the
477 | dispute cannot be settled through mediation, the dispute may be
478 | appealed to an administrative law judge appointed by the
479 | Division of Administrative Hearings. The administrative law
480 | judge may rule on issues of equitable treatment of the charter
481 | school as a public school, whether proposed provisions of the
482 | charter violate the intended flexibility granted charter schools
483 | by statute, or on any other matter regarding this section except
484 | a charter school application denial, a charter termination, or a
485 | charter nonrenewal and shall award the prevailing party
486 | reasonable attorney's fees and costs incurred to be paid by the
487 | losing party. The costs of the administrative hearing shall be
488 | paid by the party whom the administrative law judge rules
489 | against.

490 | (7) CHARTER.--The major issues involving the operation of
491 | a charter school shall be considered in advance and written into
492 | the charter. The charter shall be signed by the governing body
493 | of the charter school and the sponsor, following a public
494 | hearing to ensure community input.

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

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

499 2. The focus of the curriculum, the instructional methods
500 to be used, any distinctive instructional techniques to be
501 employed, and identification and acquisition of appropriate
502 technologies needed to improve educational and administrative
503 performance which include a means for promoting safe, ethical,
504 and appropriate uses of technology which comply with legal and
505 professional standards. The charter shall ensure that reading is
506 a primary focus of the curriculum and that resources are
507 provided to identify and provide specialized instruction for
508 students who are reading below grade level. The curriculum and
509 instructional strategies for reading must be consistent with the
510 Sunshine State Standards and grounded in scientifically based
511 reading research.

512 3. The current incoming baseline standard of student
513 academic achievement, the outcomes to be achieved, and the
514 method of measurement that will be used. The criteria listed in
515 this subparagraph shall include a detailed description for each
516 of the following:

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

519 b. How these baseline rates will be compared to rates of
520 academic progress achieved by these same students while
521 attending the charter school.

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522 c. To the extent possible, how these rates of progress
523 will be evaluated and compared with rates of progress of other
524 closely comparable student populations.

525

526 The district school board is required to provide academic
527 student performance data to charter schools for each of their
528 students coming from the district school system, as well as
529 rates of academic progress of comparable student populations in
530 the district school system.

531 4. The methods used to identify the educational strengths
532 and needs of students and how well educational goals and
533 performance standards are met by students attending the charter
534 school. Included in the methods is a means for the charter
535 school to ensure accountability to its constituents by analyzing
536 student performance data and by evaluating the effectiveness and
537 efficiency of its major educational programs. Students in
538 charter schools shall, at a minimum, participate in the
539 statewide assessment program created under s. 1008.22.

540 5. In secondary charter schools, a method for determining
541 that a student has satisfied the requirements for graduation in
542 s. 1003.43.

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

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

547 8. The ways by which the school will achieve a
548 racial/ethnic balance reflective of the community it serves or

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549 | within the racial/ethnic range of other public schools in the
550 | same school district.

551 | 9. The financial and administrative management of the
552 | school, including a reasonable demonstration of the professional
553 | experience or competence of those individuals or organizations
554 | applying to operate the charter school or those hired or
555 | retained to perform such professional services and the
556 | description of clearly delineated responsibilities and the
557 | policies and practices needed to effectively manage the charter
558 | school. A description of internal audit procedures and
559 | establishment of controls to ensure that financial resources are
560 | properly managed must be included. Both public sector and
561 | private sector professional experience shall be equally valid in
562 | such a consideration.

563 | 10. The asset and liability projections required in the
564 | application which are incorporated into the charter and which
565 | shall be compared with information provided in the annual report
566 | of the charter school. The charter shall ensure that, if a
567 | charter school internal audit or annual financial audit reveals
568 | a state of financial emergency as defined in s. 218.503 or
569 | deficit financial position, the auditors are required to notify
570 | the charter school governing board, the sponsor, and the
571 | Department of Education. The internal auditor shall report such
572 | findings in the form of an exit interview to the principal or
573 | the principal administrator of the charter school and the chair
574 | of the governing board within 7 working days after finding the
575 | state of financial emergency or deficit position. A final report
576 | shall be provided to the entire governing board, the sponsor,

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577 and the Department of Education within 14 working days after the
578 exit interview. When a charter school is in a state of financial
579 emergency, the charter school shall file a detailed financial
580 recovery plan with the sponsor. The department, with the
581 involvement of both sponsors and charter schools, shall
582 establish guidelines for developing such plans.

583 11. A description of procedures that identify various
584 risks and provide for a comprehensive approach to reduce the
585 impact of losses; plans to ensure the safety and security of
586 students and staff; plans to identify, minimize, and protect
587 others from violent or disruptive student behavior; and the
588 manner in which the school will be insured, including whether or
589 not the school will be required to have liability insurance,
590 and, if so, the terms and conditions thereof and the amounts of
591 coverage.

592 12. The term of the charter which shall provide for
593 cancellation of the charter if insufficient progress has been
594 made in attaining the student achievement objectives of the
595 charter and if it is not likely that such objectives can be
596 achieved before expiration of the charter. The initial term of a
597 charter shall be for ~~3~~ 4 or 5 years. In order to facilitate
598 access to long-term financial resources for charter school
599 construction, charter schools that are operated by a
600 municipality or other public entity as provided by law are
601 eligible for up to a 15-year charter, subject to approval by the
602 district school board. A charter lab school is eligible for a
603 charter for a term of up to 15 years. In addition, to facilitate
604 access to long-term financial resources for charter school

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605 construction, charter schools that are operated by a private,
606 not-for-profit, s. 501(c)(3) status corporation are eligible for
607 up to a 15-year ~~10-year~~ charter, subject to approval by the
608 district school board. Such long-term charters remain subject to
609 annual review and may be terminated during the term of the
610 charter, but only ~~for specific good cause~~ according to the
611 provisions set forth in subsection (8).

612 13. The facilities to be used and their location.

613 14. The qualifications to be required of the teachers and
614 the potential strategies used to recruit, hire, train, and
615 retain qualified staff to achieve best value.

616 15. The governance structure of the school, including the
617 status of the charter school as a public or private employer as
618 required in paragraph (12)(i).

619 16. A timetable for implementing the charter which
620 addresses the implementation of each element thereof and the
621 date by which the charter shall be awarded in order to meet this
622 timetable.

623 17. In the case of an existing public school being
624 converted to charter status, alternative arrangements for
625 current students who choose not to attend the charter school and
626 for current teachers who choose not to teach in the charter
627 school after conversion in accordance with the existing
628 collective bargaining agreement or district school board rule in
629 the absence of a collective bargaining agreement. However,
630 alternative arrangements shall not be required for current
631 teachers who choose not to teach in a charter lab school, except

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632 as authorized by the employment policies of the state university
633 which grants the charter to the lab school.

634 (b) 1. A charter may be renewed ~~every 5 school years,~~
635 provided that a program review demonstrates that the criteria in
636 paragraph (a) have been successfully accomplished and that none
637 of the grounds for nonrenewal established by paragraph (8)(a)
638 has been documented. In order to facilitate long-term financing
639 for charter school construction, charter schools operating for a
640 minimum of 2 years and demonstrating exemplary academic
641 programming and fiscal management are eligible for a 15-year
642 charter renewal. Such long-term charter is subject to annual
643 review and may be terminated during the term of the charter.

644 2. The 15-year charter renewal that may be granted
645 pursuant to subparagraph 1. shall be granted to a charter school
646 that has received a school grade of "A" or "B" pursuant to s.
647 1008.34 in 3 of the past 4 years and is not in a state of
648 financial emergency or deficit position as defined by this
649 section. Such long-term charter is subject to annual review and
650 may be terminated during the term of the charter pursuant to
651 subsection (8).

652 (c) A charter may be modified during its initial term or
653 any renewal term upon the recommendation of the sponsor or the
654 charter school governing board and the approval of both parties
655 to the agreement.

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

657 (a) ~~At the end of the term of a charter,~~ The sponsor may
658 choose not to renew or may terminate the charter for any of the
659 following grounds:

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660 1. Failure to participate in the state's education
661 accountability system created in s. 1008.31, as required in this
662 section, or failure to meet the requirements for student
663 performance stated in the charter.

664 2. Failure to meet generally accepted standards of fiscal
665 management.

666 3. Violation of law.

667 4. Determination by the sponsor that the health, safety,
668 or welfare of the students is threatened ~~Other good cause shown.~~

669 5. Material breach or repeated violations of the terms of
670 the charter.

671 ~~(b) During the term of a charter, the sponsor may~~
672 ~~terminate the charter for any of the grounds listed in paragraph~~
673 ~~(a).~~

674 (b)(e) At least 90 days prior to renewing or terminating a
675 charter, the sponsor shall notify the governing body of the
676 school of the proposed action in writing. The notice shall state
677 in reasonable detail the grounds for the proposed action and
678 stipulate that the school's governing body may, within 14
679 calendar days after receiving the notice, request an informal
680 hearing before the sponsor. The sponsor shall conduct the
681 informal hearing within 30 calendar days after receiving a
682 written request. ~~The charter school's governing body may, within~~
683 ~~14 calendar days after receiving the sponsor's decision to~~
684 ~~terminate or refuse to renew the charter, appeal the decision~~
685 ~~pursuant to the procedure established in subsection (6).~~

686 (c) If a charter is not renewed or is terminated pursuant
687 to paragraph (b), the sponsor shall, within 10 calendar days,

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688 articulate in writing the specific reasons for its nonrenewal or
689 termination of the charter and must provide the letter of
690 nonrenewal or termination and documentation supporting the
691 reasons to the charter school governing body, the charter school
692 principal, and the Department of Education. The charter school's
693 governing body may, within 30 calendar days after receiving the
694 sponsor's final written decision to refuse to renew or to
695 terminate the charter, appeal the decision pursuant to the
696 procedure established in subsection (6).

697 (d) A charter may be terminated immediately if the sponsor
698 determines that ~~good cause has been shown or if~~ the health,
699 safety, or welfare of the students is threatened. The sponsor
700 shall notify in writing the charter school's governing body, the
701 charter school principal, and the department if a charter is
702 immediately terminated. The sponsor shall clearly identify the
703 specific issues that resulted in the immediate termination and
704 provide evidence of prior notification of issues resulting in
705 the immediate termination when appropriate. The school district
706 in which the charter school is located shall assume operation of
707 the school under these circumstances. The charter school's
708 governing board may, within 30 ~~14~~ days after receiving the
709 sponsor's decision to terminate the charter, appeal the decision
710 pursuant to the procedure established in subsection (6).

711 (e) When a charter is not renewed or is terminated, the
712 school shall be dissolved under the provisions of law under
713 which the school was organized, and any unencumbered public
714 funds, except for capital outlay funds and federal charter
715 school program grant funds, from the charter school shall revert

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716 to the sponsor ~~district school board~~. Capital outlay funds
717 provided pursuant to s. 1013.62 and federal charter school
718 program grant funds that are unencumbered shall revert to the
719 department to be redistributed among eligible charter schools.
720 In the event a charter school is dissolved or is otherwise
721 terminated, all district school board property and improvements,
722 furnishings, and equipment purchased with public funds shall
723 automatically revert to full ownership by the district school
724 board, subject to complete satisfaction of any lawful liens or
725 encumbrances. Any unencumbered public funds from the charter
726 school, district school board property and improvements,
727 furnishings, and equipment purchased with public funds, or
728 financial or other records pertaining to the charter school, in
729 the possession of any person, entity, or holding company, other
730 than the charter school, shall be held in trust upon the
731 district school board's request, until any appeal status is
732 resolved.

733 (f) If a charter is not renewed or is terminated, the
734 charter school is responsible for all debts of the charter
735 school. The district may not assume the debt from any contract
736 for services made between the governing body of the school and a
737 third party, except for a debt that is previously detailed and
738 agreed upon in writing by both the district and the governing
739 body of the school and that may not reasonably be assumed to
740 have been satisfied by the district.

741 (g) If a charter is not renewed or is terminated, a
742 student who attended the school may apply to, and shall be

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743 enrolled in, another public school. Normal application deadlines
744 shall be disregarded under such circumstances.

745 (9) CHARTER SCHOOL REQUIREMENTS.--

746 (a) A charter school shall be nonsectarian in its
747 programs, admission policies, employment practices, and
748 operations.

749 (b) A charter school shall admit students as provided in
750 subsection (10).

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

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

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

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

761 (g) A charter school shall provide for an annual financial
762 audit in accordance with s. 218.39. Financial audits that reveal
763 a state of financial emergency as defined in s. 218.503 and are
764 conducted by a certified public accountant or auditor in
765 accordance with s. 218.39 shall be provided to the governing
766 body of the charter school within 7 working days after finding
767 that a state of financial emergency exists. When a charter
768 school is found to be in a state of financial emergency by a
769 certified public accountant or auditor, the charter school must

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770 | file a detailed financial recovery plan with the sponsor within
771 | 30 days after receipt of the audit.

772 | (h) No organization shall hold more than 15 charters
773 | statewide.

774 | (i) In order to provide financial information that is
775 | comparable to that reported for other public schools, charter
776 | schools are to maintain all financial records which constitute
777 | their accounting system:

778 | 1. In accordance with the accounts and codes prescribed in
779 | the most recent issuance of the publication titled "Financial
780 | and Program Cost Accounting and Reporting for Florida Schools";
781 | or

782 | 2. At the discretion of the charter school governing
783 | board, a charter school may elect to follow generally accepted
784 | accounting standards for not-for-profit organizations, but must
785 | reformat this information for reporting according to this
786 | paragraph.

787 |
788 | Charter schools shall ~~are to~~ provide annual financial report and
789 | program cost report information in the state-required formats
790 | for inclusion in district reporting in compliance with s.
791 | 1011.60(1). Charter schools that are operated by a municipality
792 | or are a component unit of a parent nonprofit organization may
793 | use the accounting system of the municipality or the parent but
794 | must reformat this information for reporting according to this
795 | paragraph.

796 | (j) The governing board of the charter school shall
797 | annually adopt and maintain an operating budget.

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798 (k) The governing body of the charter school shall
799 exercise continuing oversight over charter school operations.

800 (1) The governing body of the charter school shall be
801 responsible for:

802 1. Ensuring that the charter school has retained the
803 services of a certified public accountant or auditor for the
804 annual financial audit, pursuant to paragraph (g), who shall
805 submit the report to the governing body.

806 2. Reviewing and approving the audit report, including
807 audit findings and recommendations for the financial recovery
808 plan.

809 3. Monitoring a financial recovery plan in order to ensure
810 compliance.

811 (m) ~~(1)~~ The governing body of the charter school shall
812 report its progress annually to its sponsor, which shall forward
813 the report to the Commissioner of Education at the same time as
814 other annual school accountability reports. The Department of
815 Education shall develop a uniform, on-line annual accountability
816 report to be completed by charter schools. This report shall be
817 easy to utilize and contain demographic information, student
818 performance data, and financial accountability information. A
819 charter school shall not be required to provide information and
820 data that is duplicative and already in the possession of the
821 department. The Department of Education shall include in its
822 compilation a notation if a school failed to file its report by
823 the deadline established by the department. The report shall
824 include at least the following components:

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825 1. Student achievement performance data, including the
826 information required for the annual school report and the
827 education accountability system governed by ss. 1008.31 and
828 1008.345. Charter schools are subject to the same accountability
829 requirements as other public schools, including reports of
830 student achievement information that links baseline student data
831 to the school's performance projections identified in the
832 charter. The charter school shall identify reasons for any
833 difference between projected and actual student performance.

834 2. Financial status of the charter school which must
835 include revenues and expenditures at a level of detail that
836 allows for analysis of the ability to meet financial obligations
837 and timely repayment of debt.

838 3. Documentation of the facilities in current use and any
839 planned facilities for use by the charter school for instruction
840 of students, administrative functions, or investment purposes.

841 4. Descriptive information about the charter school's
842 personnel, including salary and benefit levels of charter school
843 employees, the proportion of instructional personnel who hold
844 professional or temporary certificates, and the proportion of
845 instructional personnel teaching in-field or out-of-field.

846 (n) ~~(m)~~ A charter school shall not levy taxes or issue
847 bonds secured by tax revenues.

848 (o) ~~(n)~~ A charter school shall provide instruction for at
849 least the number of days required by law for other public
850 schools, and may provide instruction for additional days.

851 (p) The director and a representative of the governing
852 body of a charter school that has received a school grade of "D"

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853 under s. 1008.34(2) shall appear before the sponsor or the
854 sponsor's staff at least once a year to present information
855 concerning each contract component having noted deficiencies.
856 The sponsor shall communicate at the meeting, and in writing to
857 the director, the services provided to the school to help the
858 school address its deficiencies.

859 (q) Upon notification that a charter school receives a
860 school grade of "D" for 2 consecutive years or a school grade of
861 "F" under s. 1008.34(2), the charter school sponsor or the
862 sponsor's staff shall require the director and a representative
863 of the governing body to submit to the sponsor for approval a
864 school improvement plan to raise student achievement and to
865 implement the plan. The sponsor has the authority to approve a
866 school improvement plan that the charter school will implement
867 in the following school year. The Department of Education shall
868 offer technical assistance and training to the charter school
869 and its governing body and establish guidelines for developing,
870 submitting, and approving such plans.

871 1. If the charter school fails to improve its student
872 performance from the year immediately prior to the
873 implementation of the school improvement plan, the sponsor shall
874 place the charter school on probation and shall require the
875 charter school governing body to take one of the following
876 corrective actions:

877 a. Contract for the educational services of the charter
878 school;

879 b. Reorganize the school at the end of the school year
880 under a new director or principal who is authorized to hire new

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881 staff and implement a plan that addresses the causes of
882 inadequate progress; or

883 c. Reconstitute the charter school.

884 2. A charter school that is placed on probation shall
885 continue the corrective actions required under subparagraph 1.
886 until the charter school improves its student performance from
887 the year prior to the implementation of the school improvement
888 plan.

889 3. Notwithstanding any provision of this paragraph, the
890 sponsor may terminate the charter at any time pursuant to the
891 provisions of subsection (8).

892 (r) The director and a representative of the governing
893 body of a graded charter school that has submitted a school
894 improvement plan or has been placed on probation under paragraph
895 (q) shall appear before the sponsor or the sponsor's staff at
896 least once a year to present information regarding the
897 corrective strategies that are being implemented by the school
898 pursuant to the school improvement plan. The sponsor shall
899 communicate at the meeting, and in writing to the director, the
900 services provided to the school to help the school address its
901 deficiencies.

902 (10) ELIGIBLE STUDENTS.--

903 (a) A charter school shall be open to any student covered
904 in an interdistrict agreement or residing in the school district
905 in which the charter school is located; however, in the case of
906 a charter lab school, the charter lab school shall be open to
907 any student eligible to attend the lab school as provided in s.
908 1002.32 or who resides in the school district in which the

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909 charter lab school is located. Any eligible student shall be
910 allowed interdistrict transfer to attend a charter school when
911 based on good cause.

912 (b) The charter school shall enroll an eligible student
913 who submits a timely application, unless the number of
914 applications exceeds the capacity of a program, class, grade
915 level, or building. In such case, all applicants shall have an
916 equal chance of being admitted through a random selection
917 process.

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

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

923 1. Students who are siblings of a student enrolled in the
924 charter school.

925 2. Students who are the children of a member of the
926 governing board of the charter school.

927 3. Students who are the children of an employee of the
928 charter school.

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

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

932 2. Students considered at risk of dropping out of school
933 or academic failure. Such students shall include exceptional
934 education students.

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935 3. Students enrolling in a charter school-in-the-workplace
936 or charter school-in-a-municipality established pursuant to
937 subsection (15).

938 4. Students residing within a reasonable distance of the
939 charter school, as described in paragraph (20)(c). Such students
940 shall be subject to a random lottery and to the racial/ethnic
941 balance provisions described in subparagraph (7)(a)8. or any
942 federal provisions that require a school to achieve a
943 racial/ethnic balance reflective of the community it serves or
944 within the racial/ethnic range of other public schools in the
945 same school district.

946 5. Students who meet reasonable academic, artistic, or
947 other eligibility standards established by the charter school
948 and included in the charter school application and charter or,
949 in the case of existing charter schools, standards that are
950 consistent with the school's mission and purpose. Such standards
951 shall be in accordance with current state law and practice in
952 public schools and may not discriminate against otherwise
953 qualified individuals.

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

957 (f) Students with handicapping conditions and students
958 served in English for Speakers of Other Languages programs shall
959 have an equal opportunity of being selected for enrollment in a
960 charter school.

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

964 (h) The capacity of the charter school shall be determined
965 annually by the governing board, in conjunction with the
966 sponsor, of the charter school in consideration of the factors
967 identified in this subsection.

968 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
969 ACTIVITIES.--A charter school student is eligible to participate
970 in an interscholastic extracurricular activity at the public
971 school to which the student would be otherwise assigned to
972 attend pursuant to s. 1006.15(3)(d).

973 (12) EMPLOYEES OF CHARTER SCHOOLS.--

974 (a) A charter school shall select its own employees. A
975 charter school may contract with its sponsor for the services of
976 personnel employed by the sponsor.

977 (b) Charter school employees shall have the option to
978 bargain collectively. Employees may collectively bargain as a
979 separate unit or as part of the existing district collective
980 bargaining unit as determined by the structure of the charter
981 school.

982 (c) The employees of a conversion charter school shall
983 remain public employees for all purposes, unless such employees
984 choose not to do so.

985 (d) The teachers at a charter school may choose to be part
986 of a professional group that subcontracts with the charter
987 school to operate the instructional program under the auspices
988 of a partnership or cooperative that they collectively own.

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989 Under this arrangement, the teachers would not be public
990 employees.

991 (e) Employees of a school district may take leave to
992 accept employment in a charter school upon the approval of the
993 district school board. While employed by the charter school and
994 on leave that is approved by the district school board, the
995 employee may retain seniority accrued in that school district
996 and may continue to be covered by the benefit programs of that
997 school district, if the charter school and the district school
998 board agree to this arrangement and its financing. School
999 districts shall not require resignations of teachers desiring to
1000 teach in a charter school. This paragraph shall not prohibit a
1001 district school board from approving alternative leave
1002 arrangements consistent with chapter 1012.

1003 (f) Teachers employed by or under contract to a charter
1004 school shall be certified as required by chapter 1012. A charter
1005 school governing board may employ or contract with skilled
1006 selected noncertified personnel to provide instructional
1007 services or to assist instructional staff members as education
1008 paraprofessionals in the same manner as defined in chapter 1012,
1009 and as provided by State Board of Education rule for charter
1010 school governing boards. A charter school may not knowingly
1011 employ an individual to provide instructional services or to
1012 serve as an education paraprofessional if the individual's
1013 certification or licensure as an educator is suspended or
1014 revoked by this or any other state. A charter school may not
1015 knowingly employ an individual who has resigned from a school
1016 district in lieu of disciplinary action with respect to child

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1017 welfare or safety, or who has been dismissed for just cause by
1018 any school district with respect to child welfare or safety. The
1019 qualifications of teachers shall be disclosed to parents.

1020 (g) A charter school shall employ or contract with
1021 employees who have undergone background screening as provided in
1022 s. 1012.32. Members of the governing board of the charter school
1023 shall also undergo background screening in a manner similar to
1024 that provided in s. 1012.32.

1025 (h) For the purposes of tort liability, the governing body
1026 and employees of a charter school shall be governed by s.
1027 768.28.

1028 (i) A charter school shall organize as, or be operated by,
1029 a nonprofit organization. A charter school may be operated by a
1030 municipality or other public entity as provided for by law. As
1031 such, the charter school may be either a private or a public
1032 employer. As a public employer, a charter school may participate
1033 in the Florida Retirement System upon application and approval
1034 as a "covered group" under s. 121.021(34). If a charter school
1035 participates in the Florida Retirement System, the charter
1036 school employees shall be compulsory members of the Florida
1037 Retirement System. As either a private or a public employer, a
1038 charter school may contract for services with an individual or
1039 group of individuals who are organized as a partnership or a
1040 cooperative. Individuals or groups of individuals who contract
1041 their services to the charter school are not public employees.

1042 (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may
1043 enter into cooperative agreements to form charter school
1044 cooperative organizations that may provide the following

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1045 | services: charter school planning and development, direct
 1046 | instructional services, and contracts with charter school
 1047 | governing boards to provide personnel administrative services,
 1048 | payroll services, human resource management, evaluation and
 1049 | assessment services, teacher preparation, and professional
 1050 | development.

1051 | (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 1052 | INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 1053 | TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to
 1054 | borrow or otherwise secure funds for a charter school authorized
 1055 | in this section from a source other than the state or a school
 1056 | district shall indemnify the state and the school district from
 1057 | any and all liability, including, but not limited to, financial
 1058 | responsibility for the payment of the principal or interest. Any
 1059 | loans, bonds, or other financial agreements are not obligations
 1060 | of the state or the school district but are obligations of the
 1061 | charter school authority and are payable solely from the sources
 1062 | of funds pledged by such agreement. The credit or taxing power
 1063 | of the state or the school district shall not be pledged and no
 1064 | debts shall be payable out of any moneys except those of the
 1065 | legal entity in possession of a valid charter approved by a
 1066 | district school board pursuant to this section.

1067 | (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 1068 | A-MUNICIPALITY.--

1069 | (a) In order to increase business partnerships in
 1070 | education, to reduce school and classroom overcrowding
 1071 | throughout the state, and to offset the high costs for
 1072 | educational facilities construction, the Legislature intends to

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1073 encourage the formation of business partnership schools or
1074 satellite learning centers and municipal-operated schools
1075 through charter school status.

1076 (b) A charter school-in-the-workplace may be established
1077 when a business partner provides the school facility to be used;
1078 enrolls students based upon a random lottery that involves all
1079 of the children of employees of that business or corporation who
1080 are seeking enrollment, as provided for in subsection (10); and
1081 enrolls students according to the racial/ethnic balance
1082 provisions described in subparagraph (7)(a)8. Any portion of a
1083 facility used for a public charter school shall be exempt from
1084 ad valorem taxes, as provided for in s. 1013.54, for the
1085 duration of its use as a public school.

1086 (c) A charter school-in-a-municipality designation may be
1087 granted to a municipality that possesses a charter; enrolls
1088 students based upon a random lottery that involves all of the
1089 children of the residents of that municipality who are seeking
1090 enrollment, as provided for in subsection (10); and enrolls
1091 students according to the racial/ethnic balance provisions
1092 described in subparagraph (7)(a)8. When a municipality has
1093 submitted charter applications for the establishment of a
1094 charter school feeder pattern, consisting of elementary, middle,
1095 and senior high schools, and each individual charter application
1096 is approved by the district school board, such schools shall
1097 then be designated as one charter school for all purposes listed
1098 pursuant to this section. Any portion of the land and facility
1099 used for a public charter school shall be exempt from ad valorem

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1100 taxes, as provided for in s. 1013.54, for the duration of its
1101 use as a public school.

1102 (d) As used in this subsection, the terms "business
1103 partner" or "municipality" may include more than one business or
1104 municipality to form a charter school-in-the-workplace or
1105 charter school-in-a-municipality.

1106 (16) EXEMPTION FROM STATUTES.--

1107 (a) A charter school shall operate in accordance with its
1108 charter and shall be exempt from all statutes in chapters 1000-
1109 1013. However, a charter school shall be in compliance with the
1110 following statutes in chapters 1000-1013:

1111 1. Those statutes specifically applying to charter
1112 schools, including this section.

1113 2. Those statutes pertaining to the student assessment
1114 program and school grading system.

1115 3. Those statutes pertaining to the provision of services
1116 to students with disabilities.

1117 4. Those statutes pertaining to civil rights, including s.
1118 1000.05, relating to discrimination.

1119 5. Those statutes pertaining to student health, safety,
1120 and welfare.

1121 (b) Additionally, a charter school shall be in compliance
1122 with the following statutes:

1123 1. Section 286.011, relating to public meetings and
1124 records, public inspection, and criminal and civil penalties.

1125 2. Chapter 119, relating to public records.

1126 (17) FUNDING.--Students enrolled in a charter school,
1127 regardless of the sponsorship, shall be funded as if they are in

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1128 a basic program or a special program, the same as students
1129 enrolled in other public schools in the school district. Funding
1130 for a charter lab school shall be as provided in s. 1002.32.

1131 (a) Each charter school shall report its student
1132 enrollment to the district school board as required in s.
1133 1011.62, and in accordance with the definitions in s. 1011.61.
1134 The district school board shall include each charter school's
1135 enrollment in the district's report of student enrollment. All
1136 charter schools submitting student record information required
1137 by the Department of Education shall comply with the Department
1138 of Education's guidelines for electronic data formats for such
1139 data, and all districts shall accept electronic data that
1140 complies with the Department of Education's electronic format.

1141 (b) The basis for the agreement for funding students
1142 enrolled in a charter school shall be the sum of the school
1143 district's operating funds from the Florida Education Finance
1144 Program as provided in s. 1011.62 and the General Appropriations
1145 Act, including gross state and local funds, discretionary
1146 lottery funds, and funds from the school district's current
1147 operating discretionary millage levy; divided by total funded
1148 weighted full-time equivalent students in the school district;
1149 multiplied by the weighted full-time equivalent students for the
1150 charter school. Charter schools whose students or programs meet
1151 the eligibility criteria in law shall be entitled to their
1152 proportionate share of categorical program funds included in the
1153 total funds available in the Florida Education Finance Program
1154 by the Legislature, including transportation. Total funding for
1155 each charter school shall be recalculated during the year to

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1156 reflect the revised calculations under the Florida Education
1157 Finance Program by the state and the actual weighted full-time
1158 equivalent students reported by the charter school during the
1159 full-time equivalent student survey periods designated by the
1160 Commissioner of Education.

1161 (c) If the district school board is providing programs or
1162 services to students funded by federal funds, any eligible
1163 students enrolled in charter schools in the school district
1164 shall be provided federal funds for the same level of service
1165 provided students in the schools operated by the district school
1166 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
1167 charter schools shall receive all federal funding for which the
1168 school is otherwise eligible, including Title I funding, not
1169 later than 5 months after the charter school first opens and
1170 within 5 months after any subsequent expansion of enrollment.

1171 (d) District school boards shall make ~~every effort to~~
1172 ~~ensure that charter schools receive~~ timely and efficient payment
1173 and reimbursement to charter schools, including processing
1174 paperwork required to access special state and federal funding
1175 for which they may be eligible. The district school board may
1176 distribute funds to a charter school for up to 3 months based on
1177 the projected full-time equivalent student membership of the
1178 charter school. Thereafter, the results of full-time equivalent
1179 student membership surveys shall be used in adjusting the amount
1180 of funds distributed monthly to the charter school for the
1181 remainder of the fiscal year. The payment shall be issued no
1182 later than 10 working days after the district school board
1183 receives a distribution of state or federal funds. If a warrant

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1184 for payment is not issued within 10 ~~30~~ working days after
 1185 receipt of funding by the district school board, the school
 1186 district shall pay to the charter school, in addition to the
 1187 amount of the scheduled disbursement, interest at a rate of 5 ~~±~~
 1188 percent per month calculated on a daily basis on the unpaid
 1189 balance from the expiration of the 10 working days ~~30-day period~~
 1190 until such time as the warrant is issued. The Commissioner of
 1191 Education is authorized to withhold lottery funds from school
 1192 districts that repeatedly fail to make timely payments and
 1193 reimbursements.

1194 (e) The State Board of Education is authorized to impose a
 1195 fine on or withhold lottery funds from a school district for any
 1196 violation of the procedural requirements for charter school
 1197 application, termination, or nonrenewal appeals regardless of
 1198 whether the violation affects the fairness of the appeal process
 1199 or the correctness of the action taken by the school district.
 1200 Prior to the imposition of a fine or the withholding of lottery
 1201 funds under this paragraph, the State Board of Education shall
 1202 provide the school district with notice of the amount of the
 1203 proposed fine or lottery funds to be withheld and an opportunity
 1204 to be heard at a subsequent meeting of the State Board of
 1205 Education. The funds collected for fines under this paragraph
 1206 shall be taken from the school district's administrative fee
 1207 under paragraph (20) (a) and disbursed to the prevailing charter
 1208 school appellant under this section or, if the charter school
 1209 appellant's appeal is denied, in equal amounts to each of the
 1210 charter schools within the school district. The imposition of a
 1211 fine under this paragraph shall not exceed \$10,000 and is a

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1212 final action subject to judicial review in the district court of
1213 appeals.

1214 (18) FACILITIES.--

1215 (a) A startup charter school shall utilize facilities
1216 which comply with the Florida Building Code pursuant to chapter
1217 553 except for the State Requirements for Educational
1218 Facilities. Conversion charter schools shall utilize facilities
1219 that comply with the State Requirements for Educational
1220 Facilities, provided that the school district and the charter
1221 school have entered into a mutual management plan with
1222 sufficient funding from the school district to comply with the
1223 State Requirements for Educational Facilities. Charter schools,
1224 with the exception of conversion charter schools, are not
1225 required to comply, but may choose to comply, with the State
1226 Requirements for Educational Facilities of the Florida Building
1227 Code adopted pursuant to s. 1013.37. The local governing
1228 authority shall not adopt or impose local building requirements
1229 or restrictions that are more stringent than those found in the
1230 Florida Building Code. The agency having jurisdiction for
1231 inspection of a facility and issuance of a certificate of
1232 occupancy shall be the local municipality or, if in an
1233 unincorporated area, the county governing authority.

1234 (b) A charter school shall utilize facilities that comply
1235 with the Florida Fire Prevention Code, pursuant to s. 633.025,
1236 as adopted by the authority in whose jurisdiction the facility
1237 is located as provided in paragraph (a).

1238 (c) Any facility, or portion thereof, used to house a
1239 charter school whose charter has been approved by the sponsor

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1240 and the governing board, pursuant to subsection (7), shall be
 1241 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
 1242 community service, museum, performing arts, theatre, cinema,
 1243 church, community college, college, and university facilities
 1244 may provide space to charter schools within their facilities
 1245 under their preexisting zoning and land use designations.

1246 (d) Charter school facilities are exempt from assessments
 1247 of fees for building permits, except as provided in s. 553.80,
 1248 fees and for building and occupational licenses, and ~~from~~
 1249 ~~assessments of impact fees or service availability fees.~~

1250 (e) If a district school board facility or property is
 1251 available because it is surplus, marked for disposal, or
 1252 otherwise unused, it shall be provided for a charter school's
 1253 use on the same basis as it is made available to other public
 1254 schools in the district. A charter school receiving property
 1255 from the school district may not sell or dispose of such
 1256 property without written permission of the school district.
 1257 Similarly, for an existing public school converting to charter
 1258 status, no rental or leasing fee for the existing facility or
 1259 for the property normally inventoried to the conversion school
 1260 may be charged by the district school board to the parents and
 1261 teachers organizing the charter school. The charter school
 1262 ~~organizers~~ shall agree to reasonable maintenance provisions in
 1263 order to maintain the facility in a manner similar to district
 1264 school board standards. The Public Education Capital Outlay
 1265 maintenance funds or any other maintenance funds generated by
 1266 the facility operated as a conversion school shall remain with
 1267 the conversion school.

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1268 (f) To the extent that charter school facilities are
1269 specifically created to mitigate the educational impact created
1270 by the development of new residential dwelling units, pursuant
1271 to subparagraph (2)(c)4., some of or all of the educational
1272 impact fees required to be paid in connection with the new
1273 residential dwelling units may be designated instead for the
1274 construction of the charter school facilities that will mitigate
1275 the student station impact. Such facilities shall be built to
1276 the State Requirements for Educational Facilities and shall be
1277 owned by a public or nonprofit entity. The local school district
1278 retains the right to monitor and inspect such facilities to
1279 ensure compliance with the State Requirements for Educational
1280 Facilities. If a facility ceases to be used for public
1281 educational purposes, either the facility shall revert to the
1282 school district subject to any debt owed on the facility, or the
1283 owner of the facility shall have the option to refund all
1284 educational impact fees utilized for the facility to the school
1285 district. The district and the owner of the facility may
1286 contractually agree to another arrangement for the facilities if
1287 the facilities cease to be used for educational purposes. The
1288 owner of property planned or approved for new residential
1289 dwelling units and the entity levying educational impact fees
1290 shall enter into an agreement that designates the educational
1291 impact fees that will be allocated for the charter school
1292 student stations and that ensures the timely construction of the
1293 charter school student stations concurrent with the expected
1294 occupancy of the residential units. The application for use of
1295 educational impact fees shall include an approved charter school

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1296 application. To assist the school district in forecasting
1297 student station needs, the entity levying the impact fees shall
1298 notify the affected district of any agreements it has approved
1299 for the purpose of mitigating student station impact from the
1300 new residential dwelling units.

1301 (g) Each school district shall annually provide to the
1302 Department of Education as part of its 5-year work plan the
1303 number of existing vacant classrooms in each school that the
1304 district does not intend to use or does not project will be
1305 needed for educational purposes for the following school year.
1306 The department may recommend that a district make such space
1307 available to an appropriate charter school.

1308 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible
1309 for capital outlay funds pursuant to s. 1013.62.

1310 (20) SERVICES.--

1311 (a) A sponsor shall provide certain administrative and
1312 educational services to charter schools. These services shall
1313 include contract management services; full-time equivalent and
1314 data reporting services; exceptional student education
1315 administration services; services related to eligibility and
1316 reporting duties required to ensure that school lunch services
1317 under the federal lunch program, consistent with the needs of
1318 the charter school, are provided by the school district at the
1319 request of the charter school; test administration services,
1320 including payment of the costs of state-required or district-
1321 required student assessments; processing of teacher certificate
1322 data services; and information services, including equal access
1323 to student information systems that are used by public schools

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1324 in the district in which the charter school is located. Student
1325 performance data for each student in a charter school,
1326 including, but not limited to, FCAT scores, standardized test
1327 scores, individual report cards, and student performance
1328 measures, shall be provided by the sponsor to a charter school
1329 in the same manner provided to other public schools in the
1330 district. A total administrative fee for the provision of such
1331 services shall be calculated based upon up to 5 percent of the
1332 available funds defined in paragraph (17)(b) for all students.
1333 However, a sponsor may only withhold up to a 5-percent
1334 administrative fee for enrollment for up to and including 500
1335 students. For charter schools with a population of 501 or more
1336 students, the difference between the total administrative fee
1337 calculation and the amount of the administrative fee withheld
1338 may only be used for capital outlay purposes specified in s.
1339 1013.62(2). Sponsors shall not charge charter schools any
1340 additional fees or surcharges for administrative and educational
1341 services in addition to the maximum 5-percent administrative fee
1342 withheld pursuant to this paragraph.

1343 (b) If goods and services are made available to the
1344 charter school through the contract with the school district,
1345 they shall be provided to the charter school at a rate no
1346 greater than the district's actual cost unless mutually agreed
1347 upon by the charter school and the sponsor in a contract
1348 negotiated separately from the charter. When mediation has
1349 failed to resolve disputes over contracted services or
1350 contractual matters not included in the charter, an appeal may
1351 be made for a dispute resolution hearing before the Charter

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1352 School Appeal Commission. To maximize the use of state funds,
1353 school districts shall allow charter schools to participate in
1354 the sponsor's bulk purchasing program if applicable.

1355 (c) Transportation of charter school students shall be
1356 provided by the charter school consistent with the requirements
1357 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1358 body of the charter school may provide transportation through an
1359 agreement or contract with the district school board, a private
1360 provider, or parents. The charter school and the sponsor shall
1361 cooperate in making arrangements that ensure that transportation
1362 is not a barrier to equal access for all students residing
1363 within a reasonable distance of the charter school as determined
1364 in its charter.

1365 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
1366 Department of Education shall provide information to the public,
1367 directly and through sponsors, both on how to form and operate a
1368 charter school and on how to enroll in charter schools once they
1369 are created. This information shall include a standard
1370 application format, charter format, and charter renewal format
1371 which shall include the information specified in subsection (7).
1372 These formats shall ~~This application format may~~ be used as
1373 guidelines by charter school sponsors ~~chartering entities~~.

1374 (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--

1375 (a) The Department of Education shall staff and regularly
1376 convene a Charter School Review Panel in order to review issues,
1377 practices, and policies regarding charter schools. The
1378 composition of the review panel shall include individuals with
1379 experience in finance, administration, law, education, and

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1380 school governance, and individuals familiar with charter school
 1381 construction and operation. The panel shall include two
 1382 appointees each from the Commissioner of Education, the
 1383 President of the Senate, and the Speaker of the House of
 1384 Representatives. The Governor shall appoint three members of the
 1385 panel and shall designate the chair. Each member of the panel
 1386 shall serve a 1-year term, unless renewed by the office making
 1387 the appointment. The panel shall make recommendations to the
 1388 Legislature, to the Department of Education, to charter schools,
 1389 and to school districts for improving charter school operations
 1390 and oversight and for ensuring best business practices at and
 1391 fair business relationships with charter schools.

1392 (b) The Legislature shall review the operation of charter
 1393 schools during the 2010 ~~2005~~ Regular Session of the Legislature.

1394 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt
 1395 of the annual report required by paragraph (9) (m) ~~(l)~~, the
 1396 Department of Education shall provide to the State Board of
 1397 Education, the Commissioner of Education, the Governor, the
 1398 President of the Senate, and the Speaker of the House of
 1399 Representatives an analysis and comparison of the overall
 1400 performance of charter school students, to include all students
 1401 whose scores are counted as part of the statewide assessment
 1402 program, versus comparable public school students in the
 1403 district as determined by the statewide assessment program
 1404 currently administered in the school district, and other
 1405 assessments administered pursuant to s. 1008.22(3).

1406 (24) RULEMAKING.--The Department of Education, after
 1407 consultation with school districts and charter school directors,

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1408 shall recommend that the State Board of Education adopt rules to
 1409 implement specific subsections of this section. Such rules shall
 1410 require minimum paperwork and shall not limit charter school
 1411 flexibility authorized by statute.

1412 Section 2. Subsection (5) of section 218.39, Florida
 1413 Statutes, is amended to read:

1414 218.39 Annual financial audit reports.--

1415 (5) At the conclusion of the audit, the auditor shall
 1416 discuss with the chair of each local governmental entity or the
 1417 chair's designee, or with the elected official of each county
 1418 agency or with the elected official's designee, or with the
 1419 chair of the district school board or the chair's designee, or
 1420 with the chair of the board of the charter school or the chair's
 1421 designee, or with the chair of the charter technical career
 1422 center or the chair's designee, as appropriate, all of the
 1423 auditor's comments that will be included in the audit report. If
 1424 the officer is not available to discuss the auditor's comments,
 1425 their discussion is presumed when the comments are delivered in
 1426 writing to his or her office. The auditor shall notify each
 1427 member of the governing body of a local governmental entity, ~~or~~
 1428 district school board, or charter school for which deteriorating
 1429 financial conditions exist that may cause a condition described
 1430 in s. 218.503(1) to occur if actions are not taken to address
 1431 such conditions.

1432 Section 3. Section 218.50, Florida Statutes, is amended to
 1433 read:

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1434 218.50 Short title.--Sections 218.50-218.504 may be cited
1435 as the "Local Governmental Entity, Charter School, and District
1436 School Board Financial Emergencies Act."

1437 Section 4. Section 218.501, Florida Statutes, is amended
1438 to read:

1439 218.501 Purposes.--The purposes of ss. 218.50-218.504 are:

1440 (1) To promote the fiscal responsibility of local
1441 governmental entities, charter schools, and district school
1442 boards.

1443 (2) To assist local governmental entities, charter
1444 schools, and district school boards in providing essential
1445 services without interruption and in meeting their financial
1446 obligations.

1447 (3) To assist local governmental entities, charter
1448 schools, and district school boards through the improvement of
1449 local financial management procedures.

1450 Section 5. Subsections (1) and (2) of section 218.503,
1451 Florida Statutes, are amended, a new subsection (4) is added,
1452 and subsections (4) and (5) of that section are renumbered as
1453 subsections (5) and (6), respectively, to read:

1454 218.503 Determination of financial emergency.--

1455 (1) Local governmental entities, charter schools, and
1456 district school boards shall be subject to review and oversight
1457 by the Governor, charter school sponsor, or the Commissioner of
1458 Education, as appropriate, when any one of the following
1459 conditions occurs:

1460 (a) Failure within the same fiscal year in which due to
1461 pay short-term loans or failure to make bond debt service or

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1462 other long-term debt payments when due, as a result of a lack of
1463 funds.

1464 (b) Failure to pay uncontested claims from creditors
1465 within 90 days after the claim is presented, as a result of a
1466 lack of funds.

1467 (c) Failure to transfer at the appropriate time, due to
1468 lack of funds:

1469 1. Taxes withheld on the income of employees; or

1470 2. Employer and employee contributions for:

1471 a. Federal social security; or

1472 b. Any pension, retirement, or benefit plan of an
1473 employee.

1474 (d) Failure for one pay period to pay, due to lack of
1475 funds:

1476 1. Wages and salaries owed to employees; or

1477 2. Retirement benefits owed to former employees.

1478 (e) An unreserved or total fund balance or retained
1479 earnings deficit, or unrestricted or total net assets deficit,
1480 as reported on the balance sheet or statement of net assets on
1481 the general purpose or fund financial statements, for which
1482 sufficient resources of the local governmental entity, as
1483 reported on the balance sheet or statement of net assets on the
1484 general purpose or fund financial statements, are not available
1485 to cover the deficit. Resources available to cover reported
1486 deficits include net assets that are not otherwise restricted by
1487 federal, state, or local laws, bond covenants, contractual
1488 agreements, or other legal constraints. Fixed or capital assets,
1489 the disposal of which would impair the ability of a local

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1490 governmental entity to carry out its functions, are not
1491 considered resources available to cover reported deficits.

1492 (2) A local governmental entity shall notify the Governor
1493 and the Legislative Auditing Committee, a charter school shall
1494 notify the charter school sponsor and the Legislative Auditing
1495 Committee, and a district school board shall notify the
1496 Commissioner of Education and the Legislative Auditing
1497 Committee, when one or more of the conditions specified in
1498 subsection (1) have occurred or will occur if action is not
1499 taken to assist the local governmental entity, charter school,
1500 or district school board. In addition, any state agency must,
1501 within 30 days after a determination that one or more of the
1502 conditions specified in subsection (1) have occurred or will
1503 occur if action is not taken to assist the local governmental
1504 entity, charter school, or district school board, notify the
1505 Governor, charter school sponsor, or the Commissioner of
1506 Education, as appropriate, and the Legislative Auditing
1507 Committee.

1508 (4) Upon notification that one or more of the conditions
1509 in subsection (1) exist, the charter school sponsor or the
1510 sponsor's designee shall contact the charter school governing
1511 body to determine what actions have been taken by the charter
1512 school governing body to resolve the condition. The charter
1513 school sponsor has the authority to require and approve a
1514 financial recovery plan, to be prepared by the charter school
1515 governing body, prescribing actions that will cause the charter
1516 school to no longer be subject to this section. The Department

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1517 | of Education shall establish guidelines for developing such
1518 | plans.

1519 | Section 6. Subsection (1) of section 218.504, Florida
1520 | Statutes, is amended to read:

1521 | 218.504 Cessation of state action.--The Governor or the
1522 | Commissioner of Education, as appropriate, has the authority to
1523 | terminate all state actions pursuant to ss. 218.50-218.504.
1524 | Cessation of state action must not occur until the Governor or
1525 | the Commissioner of Education, as appropriate, has determined
1526 | that:

1527 | (1) The local governmental entity, charter school, or
1528 | district school board:

1529 | (a) Has established and is operating an effective
1530 | financial accounting and reporting system.

1531 | (b) Has resolved the conditions outlined in s. 218.503(1).

1532 | Section 7. Paragraph (e) of subsection (7) and subsection
1533 | (8) of section 11.45, Florida Statutes, are amended to read:

1534 | 11.45 Definitions; duties; authorities; reports; rules.--

1535 | (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--

1536 | (e) The Auditor General shall notify the Governor or the
1537 | Commissioner of Education, as appropriate, and the Legislative
1538 | Auditing Committee of any audit report reviewed by the Auditor
1539 | General pursuant to paragraph (b) which contains a statement
1540 | that a local governmental entity, charter school, or district
1541 | school board has met one or more of the conditions specified in
1542 | s. 218.503. If the Auditor General requests a clarification
1543 | regarding information included in an audit report to determine
1544 | whether a local governmental entity, charter school, or district

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1545 school board has met one or more of the conditions specified in
 1546 s. 218.503, the requested clarification must be provided within
 1547 45 days after the date of the request. If the local governmental
 1548 entity, charter school, or district school board does not comply
 1549 with the Auditor General's request, the Auditor General shall
 1550 notify the Legislative Auditing Committee. If, after obtaining
 1551 the requested clarification, the Auditor General determines that
 1552 the local governmental entity, charter school, or district
 1553 school board has met one or more of the conditions specified in
 1554 s. 218.503, he or she shall notify the Governor or the
 1555 Commissioner of Education, as appropriate, and the Legislative
 1556 Auditing Committee.

1557 (8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in
 1558 consultation with the Board of Accountancy, shall adopt rules
 1559 for the form and conduct of all financial audits performed by
 1560 independent certified public accountants pursuant to ss.
 1561 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for
 1562 audits of local governmental entities, charter schools, and
 1563 district school boards must include, but are not limited to,
 1564 requirements for the reporting of information necessary to carry
 1565 out the purposes of the Local Governmental Entity, Charter
 1566 School, and District School Board Financial Emergencies Act as
 1567 stated in s. 218.501.

1568 Section 8. Subsection (3) of section 1003.05, Florida
 1569 Statutes, is amended to read:

1570 1003.05 Assistance to transitioning students from military
 1571 families.--

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1572 (3) Dependent children of active duty military personnel
1573 who otherwise meet the eligibility criteria for special academic
1574 programs offered through public schools shall be given first
1575 preference for admission to such programs even if the program is
1576 being offered through a public school other than the school to
1577 which the student would generally be assigned and the school at
1578 which the program is being offered has reached its maximum
1579 enrollment. If such a program is offered through a public school
1580 other than the school to which the student would generally be
1581 assigned, the parent or guardian of the student must assume
1582 responsibility for transporting the student to that school. For
1583 purposes of this subsection, special academic programs include
1584 ~~charter schools~~, magnet schools, advanced studies programs,
1585 advanced placement, dual enrollment, and International
1586 Baccalaureate.

1587 Section 9. Effective July 1, 2007, subsection (2) of
1588 section 1012.74, Florida Statutes, is amended to read:

1589 1012.74 Florida educators professional liability insurance
1590 protection.--

1591 (2) (a) Educator professional liability coverage for all
1592 instructional personnel, including charter school instructional
1593 personnel, as defined by s. 1012.01(2), who are full-time
1594 personnel, as defined by the district school board policy, shall
1595 be provided by specific appropriations under the General
1596 Appropriations Act.

1597 (b) Educator professional liability coverage shall be
1598 extended at cost to all instructional personnel, including
1599 charter school instructional personnel, as defined by s.

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1600 | 1012.01(2), who are part-time personnel, as defined by the
1601 | district school board policy, and choose to participate in the
1602 | state-provided program.

1603 | (c) Educator professional liability coverage shall be
1604 | extended at cost to all administrative personnel, including
1605 | administrative personnel in charter schools, as defined by s.
1606 | 1012.01(3), who choose to participate in the state-provided
1607 | program.

1608 | Section 10. Except as otherwise expressly provided in this
1609 | act, this act shall take effect July 1, 2006.