

CHAMBER ACTION

1 The Education Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

HB 7103 CS

2006
CS

52 emergency; amending s. 11.45, F.S.; conforming provisions;
 53 amending s. 1003.05, F.S.; modifying the list of special
 54 academic programs for transitioning students from military
 55 families; amending s. 1012.74, F.S.; providing that
 56 educator professional liability insurance shall cover
 57 charter school personnel; 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.

HB 7103 CS

2006
CS

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.

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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.

HB 7103 CS

2006
CS

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:

HB 7103 CS

2006
CS

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

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.

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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

Page 14 of 59

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

hb7103-02-c2

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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

HB 7103 CS

2006
CS

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. The applicant and the sponsor

HB 7103 CS

2006
CS

467 | shall have 75 days thereafter to negotiate and notice the
468 | charter contract for final approval by the sponsor unless both
469 | parties agree to an extension ~~6 months in which to mutually~~
470 | ~~agree to the provisions of the charter.~~ The proposed charter
471 | contract shall be provided to the charter school at least 7
472 | calendar days prior to the date of the meeting at which the
473 | charter is scheduled to be voted upon by the sponsor. The
474 | Department of Education shall provide mediation services for any
475 | dispute regarding this section subsequent to the approval of a
476 | charter application and for any dispute relating to the approved
477 | charter, except disputes regarding charter school application
478 | denials. If the Commissioner of Education determines that the
479 | dispute cannot be settled through mediation, the dispute may be
480 | appealed to an administrative law judge appointed by the
481 | Division of Administrative Hearings. The administrative law
482 | judge may rule on issues of equitable treatment of the charter
483 | school as a public school, whether proposed provisions of the
484 | charter violate the intended flexibility granted charter schools
485 | by statute, or on any other matter regarding this section except
486 | a charter school application denial, a charter termination, or a
487 | charter nonrenewal and shall award the prevailing party
488 | reasonable attorney's fees and costs incurred to be paid by the
489 | losing party. The costs of the administrative hearing shall be
490 | paid by the party whom the administrative law judge rules
491 | against.

492 | (7) CHARTER.--The major issues involving the operation of
493 | a charter school shall be considered in advance and written into
494 | the charter. The charter shall be signed by the governing body

HB 7103 CS

2006
CS

495 | of the charter school and the sponsor, following a public
496 | hearing to ensure community input.

497 | (a) The charter shall address, and criteria for approval
498 | of the charter shall be based on:

499 | 1. The school's mission, the students to be served, and
500 | the ages and grades to be included.

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

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

519 | a. How the baseline student academic achievement levels
520 | and prior rates of academic progress will be established.

HB 7103 CS

2006
CS

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

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

527

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

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

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

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

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

HB 7103 CS

2006
CS

549 8. The ways by which the school will achieve a
550 racial/ethnic balance reflective of the community it serves or
551 within the racial/ethnic range of other public schools in the
552 same school district.

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

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

HB 7103 CS

2006
CS

577 | state of financial emergency or deficit position. A final report
578 | shall be provided to the entire governing board, the sponsor,
579 | and the Department of Education within 14 working days after the
580 | exit interview. When a charter school is in a state of financial
581 | emergency, the charter school shall file a detailed financial
582 | recovery plan with the sponsor. The department, with the
583 | involvement of both sponsors and charter schools, shall
584 | establish guidelines for developing such plans.

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

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

HB 7103 CS

2006
CS

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

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

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

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

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

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

HB 7103 CS

2006
CS

633 teachers who choose not to teach in a charter lab school, except
634 as authorized by the employment policies of the state university
635 which grants the charter to the lab school.

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

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

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

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

HB 7103 CS

2006
CS

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

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

666 2. Failure to meet generally accepted standards of fiscal
667 management.

668 3. Violation of law.

669 4. Other good cause shown.

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

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

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

HB 7103 CS

2006
CS

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

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

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

HB 7103 CS

2006
CS

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

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

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

HB 7103 CS

2006
CS

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

744 (9) CHARTER SCHOOL REQUIREMENTS.--

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

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

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

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

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

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

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

HB 7103 CS

2006
CS

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

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

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

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

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

786 |

787 | Charter schools shall ~~are to~~ provide annual financial report and
788 | program cost report information in the state-required formats
789 | for inclusion in district reporting in compliance with s.

790 | 1011.60(1). Charter schools that are operated by a municipality
791 | or are a component unit of a parent nonprofit organization may
792 | use the accounting system of the municipality or the parent but
793 | must reformat this information for reporting according to this
794 | paragraph.

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

HB 7103 CS

2006
CS

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

799 (k) The governing body of the charter school shall be
800 responsible for:

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

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

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

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

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

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

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

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

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

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

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

HB 7103 CS

2006
CS

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

858 (p) Upon notification that a charter school receives a
859 school grade of "D" for 2 consecutive years or a school grade of
860 "F" under s. 1008.34(2), the charter school sponsor or the
861 sponsor's staff shall require the director and a representative
862 of the governing body to submit to the sponsor for approval a
863 school improvement plan to raise student achievement and to
864 implement the plan. The sponsor has the authority to approve a
865 school improvement plan that the charter school will implement
866 in the following school year. The sponsor may also consider the
867 State Board of Education's recommended action pursuant to s.
868 1008.33(1) as part of the school improvement plan. The
869 Department of Education shall offer technical assistance and
870 training to the charter school and its governing body and
871 establish guidelines for developing, submitting, and approving
872 such plans.

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

HB 7103 CS

2006
CS

879 a. Contract for the educational services of the charter
880 school;

881 b. Reorganize the school at the end of the school year
882 under a new director or principal who is authorized to hire new
883 staff and implement a plan that addresses the causes of
884 inadequate progress; or

885 c. Reconstitute the charter school.

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

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

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

904 (10) ELIGIBLE STUDENTS.--

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

HB 7103 CS

2006
CS

907 | in which the charter school is located; however, in the case of
908 | a charter lab school, the charter lab school shall be open to
909 | any student eligible to attend the lab school as provided in s.
910 | 1002.32 or who resides in the school district in which the
911 | charter lab school is located. Any eligible student shall be
912 | allowed interdistrict transfer to attend a charter school when
913 | based on good cause.

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

920 | (c) When a public school converts to charter status,
921 | enrollment preference shall be given to students who would have
922 | otherwise attended that public school. The district school board
923 | shall consult and negotiate with the conversion charter school
924 | every 3 years to determine whether realignment of the conversion
925 | charter school's attendance zone is appropriate in order to
926 | ensure that students residing closest to the charter school are
927 | provided with an enrollment preference.

928 | (d) A charter school may give enrollment preference to the
929 | following student populations:

930 | 1. Students who are siblings of a student enrolled in the
931 | charter school.

932 | 2. Students who are the children of a member of the
933 | governing board of the charter school.

HB 7103 CS

2006
CS

934 3. Students who are the children of an employee of the
935 charter school.

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

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

939 2. Students considered at risk of dropping out of school
940 or academic failure. Such students shall include exceptional
941 education students.

942 3. Students enrolling in a charter school-in-the-workplace
943 or charter school-in-a-municipality established pursuant to
944 subsection (15).

945 4. Students residing within a reasonable distance of the
946 charter school, as described in paragraph (20)(c). Such students
947 shall be subject to a random lottery and to the racial/ethnic
948 balance provisions described in subparagraph (7)(a)8. or any
949 federal provisions that require a school to achieve a
950 racial/ethnic balance reflective of the community it serves or
951 within the racial/ethnic range of other public schools in the
952 same school district.

953 5. Students who meet reasonable academic, artistic, or
954 other eligibility standards established by the charter school
955 and included in the charter school application and charter or,
956 in the case of existing charter schools, standards that are
957 consistent with the school's mission and purpose. Such standards
958 shall be in accordance with current state law and practice in
959 public schools and may not discriminate against otherwise
960 qualified individuals.

HB 7103 CS

2006
CS

961 6. Students articulating from one charter school to
962 another pursuant to an articulation agreement between the
963 charter schools that has been approved by the sponsor.

964 (f) Students with handicapping conditions and students
965 served in English for Speakers of Other Languages programs shall
966 have an equal opportunity of being selected for enrollment in a
967 charter school.

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

971 (h) The capacity of the charter school shall be determined
972 annually by the governing board, in conjunction with the
973 sponsor, of the charter school in consideration of the factors
974 identified in this subsection.

975 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
976 ACTIVITIES.--A charter school student is eligible to participate
977 in an interscholastic extracurricular activity at the public
978 school to which the student would be otherwise assigned to
979 attend pursuant to s. 1006.15(3)(d).

980 (12) EMPLOYEES OF CHARTER SCHOOLS.--

981 (a) A charter school shall select its own employees. A
982 charter school may contract with its sponsor for the services of
983 personnel employed by the sponsor.

984 (b) Charter school employees shall have the option to
985 bargain collectively. Employees may collectively bargain as a
986 separate unit or as part of the existing district collective
987 bargaining unit as determined by the structure of the charter
988 school.

HB 7103 CS

2006
CS

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

992 (d) The teachers at a charter school may choose to be part
 993 of a professional group that subcontracts with the charter
 994 school to operate the instructional program under the auspices
 995 of a partnership or cooperative that they collectively own.
 996 Under this arrangement, the teachers would not be public
 997 employees.

998 (e) Employees of a school district may take leave to
 999 accept employment in a charter school upon the approval of the
 1000 district school board. While employed by the charter school and
 1001 on leave that is approved by the district school board, the
 1002 employee may retain seniority accrued in that school district
 1003 and may continue to be covered by the benefit programs of that
 1004 school district, if the charter school and the district school
 1005 board agree to this arrangement and its financing. School
 1006 districts shall not require resignations of teachers desiring to
 1007 teach in a charter school. This paragraph shall not prohibit a
 1008 district school board from approving alternative leave
 1009 arrangements consistent with chapter 1012.

1010 (f) Teachers employed by or under contract to a charter
 1011 school shall be certified as required by chapter 1012. A charter
 1012 school governing board may employ or contract with skilled
 1013 selected noncertified personnel to provide instructional
 1014 services or to assist instructional staff members as education
 1015 paraprofessionals in the same manner as defined in chapter 1012,
 1016 and as provided by State Board of Education rule for charter

HB 7103 CS

2006
CS

1017 school governing boards. A charter school may not knowingly
1018 employ an individual to provide instructional services or to
1019 serve as an education paraprofessional if the individual's
1020 certification or licensure as an educator is suspended or
1021 revoked by this or any other state. A charter school may not
1022 knowingly employ an individual who has resigned from a school
1023 district in lieu of disciplinary action with respect to child
1024 welfare or safety, or who has been dismissed for just cause by
1025 any school district with respect to child welfare or safety. The
1026 qualifications of teachers shall be disclosed to parents.

1027 (g) A charter school shall employ or contract with
1028 employees who have undergone background screening as provided in
1029 s. 1012.32. Members of the governing board of the charter school
1030 shall also undergo background screening in a manner similar to
1031 that provided in s. 1012.32.

1032 (h) For the purposes of tort liability, the governing body
1033 and employees of a charter school shall be governed by s.
1034 768.28.

1035 (i) A charter school shall organize as, or be operated by,
1036 a nonprofit organization. A charter school may be operated by a
1037 municipality or other public entity as provided for by law. As
1038 such, the charter school may be either a private or a public
1039 employer. As a public employer, a charter school may participate
1040 in the Florida Retirement System upon application and approval
1041 as a "covered group" under s. 121.021(34). If a charter school
1042 participates in the Florida Retirement System, the charter
1043 school employees shall be compulsory members of the Florida
1044 Retirement System. As either a private or a public employer, a

HB 7103 CS

2006
CS

1045 | charter school may contract for services with an individual or
 1046 | group of individuals who are organized as a partnership or a
 1047 | cooperative. Individuals or groups of individuals who contract
 1048 | their services to the charter school are not public employees.

1049 | (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may
 1050 | enter into cooperative agreements to form charter school
 1051 | cooperative organizations that may provide the following
 1052 | services: charter school planning and development, direct
 1053 | instructional services, and contracts with charter school
 1054 | governing boards to provide personnel administrative services,
 1055 | payroll services, human resource management, evaluation and
 1056 | assessment services, teacher preparation, and professional
 1057 | development.

1058 | (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 1059 | INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 1060 | TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to
 1061 | borrow or otherwise secure funds for a charter school authorized
 1062 | in this section from a source other than the state or a school
 1063 | district shall indemnify the state and the school district from
 1064 | any and all liability, including, but not limited to, financial
 1065 | responsibility for the payment of the principal or interest. Any
 1066 | loans, bonds, or other financial agreements are not obligations
 1067 | of the state or the school district but are obligations of the
 1068 | charter school authority and are payable solely from the sources
 1069 | of funds pledged by such agreement. The credit or taxing power
 1070 | of the state or the school district shall not be pledged and no
 1071 | debts shall be payable out of any moneys except those of the

HB 7103 CS

2006
CS

1072 | legal entity in possession of a valid charter approved by a
1073 | district school board pursuant to this section.

1074 | (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
1075 | A-MUNICIPALITY.--

1076 | (a) In order to increase business partnerships in
1077 | education, to reduce school and classroom overcrowding
1078 | throughout the state, and to offset the high costs for
1079 | educational facilities construction, the Legislature intends to
1080 | encourage the formation of business partnership schools or
1081 | satellite learning centers and municipal-operated schools
1082 | through charter school status.

1083 | (b) A charter school-in-the-workplace may be established
1084 | when a business partner provides the school facility to be used;
1085 | enrolls students based upon a random lottery that involves all
1086 | of the children of employees of that business or corporation who
1087 | are seeking enrollment, as provided for in subsection (10); and
1088 | enrolls students according to the racial/ethnic balance
1089 | provisions described in subparagraph (7)(a)8. Any portion of a
1090 | facility used for a public charter school shall be exempt from
1091 | ad valorem taxes, as provided for in s. 1013.54, for the
1092 | duration of its use as a public school.

1093 | (c) A charter school-in-a-municipality designation may be
1094 | granted to a municipality that possesses a charter; enrolls
1095 | students based upon a random lottery that involves all of the
1096 | children of the residents of that municipality who are seeking
1097 | enrollment, as provided for in subsection (10); and enrolls
1098 | students according to the racial/ethnic balance provisions
1099 | described in subparagraph (7)(a)8. When a municipality has

HB 7103 CS

2006
CS

1100 submitted charter applications for the establishment of a
 1101 charter school feeder pattern, consisting of elementary, middle,
 1102 and senior high schools, and each individual charter application
 1103 is approved by the district school board, such schools shall
 1104 then be designated as one charter school for all purposes listed
 1105 pursuant to this section. Any portion of the land and facility
 1106 used for a public charter school shall be exempt from ad valorem
 1107 taxes, as provided for in s. 1013.54, for the duration of its
 1108 use as a public school.

1109 (d) As used in this subsection, the terms "business
 1110 partner" or "municipality" may include more than one business or
 1111 municipality to form a charter school-in-the-workplace or
 1112 charter school-in-a-municipality.

1113 (16) EXEMPTION FROM STATUTES.--

1114 (a) A charter school shall operate in accordance with its
 1115 charter and shall be exempt from all statutes in chapters 1000-
 1116 1013. However, a charter school shall be in compliance with the
 1117 following statutes in chapters 1000-1013:

1118 1. Those statutes specifically applying to charter
 1119 schools, including this section.

1120 2. Those statutes pertaining to the student assessment
 1121 program and school grading system.

1122 3. Those statutes pertaining to the provision of services
 1123 to students with disabilities.

1124 4. Those statutes pertaining to civil rights, including s.
 1125 1000.05, relating to discrimination.

1126 5. Those statutes pertaining to student health, safety,
 1127 and welfare.

HB 7103 CS

2006
CS

1128 (b) Additionally, a charter school shall be in compliance
1129 with the following statutes:

1130 1. Section 286.011, relating to public meetings and
1131 records, public inspection, and criminal and civil penalties.

1132 2. Chapter 119, relating to public records.

1133 (17) FUNDING.--Students enrolled in a charter school,
1134 regardless of the sponsorship, shall be funded as if they are in
1135 a basic program or a special program, the same as students
1136 enrolled in other public schools in the school district. Funding
1137 for a charter lab school shall be as provided in s. 1002.32.

1138 (a) Each charter school shall report its student
1139 enrollment to the district school board as required in s.
1140 1011.62, and in accordance with the definitions in s. 1011.61.
1141 The district school board shall include each charter school's
1142 enrollment in the district's report of student enrollment. All
1143 charter schools submitting student record information required
1144 by the Department of Education shall comply with the Department
1145 of Education's guidelines for electronic data formats for such
1146 data, and all districts shall accept electronic data that
1147 complies with the Department of Education's electronic format.

1148 (b) The basis for the agreement for funding students
1149 enrolled in a charter school shall be the sum of the school
1150 district's operating funds from the Florida Education Finance
1151 Program as provided in s. 1011.62 and the General Appropriations
1152 Act, including gross state and local funds, discretionary
1153 lottery funds, and funds from the school district's current
1154 operating discretionary millage levy; divided by total funded
1155 weighted full-time equivalent students in the school district;

HB 7103 CS

2006
CS

1156 multiplied by the weighted full-time equivalent students for the
1157 charter school. Charter schools whose students or programs meet
1158 the eligibility criteria in law shall be entitled to their
1159 proportionate share of categorical program funds included in the
1160 total funds available in the Florida Education Finance Program
1161 by the Legislature, including transportation. Total funding for
1162 each charter school shall be recalculated during the year to
1163 reflect the revised calculations under the Florida Education
1164 Finance Program by the state and the actual weighted full-time
1165 equivalent students reported by the charter school during the
1166 full-time equivalent student survey periods designated by the
1167 Commissioner of Education.

1168 (c) If the district school board is providing programs or
1169 services to students funded by federal funds, any eligible
1170 students enrolled in charter schools in the school district
1171 shall be provided federal funds for the same level of service
1172 provided students in the schools operated by the district school
1173 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
1174 charter schools shall receive all federal funding for which the
1175 school is otherwise eligible, including Title I funding, not
1176 later than 5 months after the charter school first opens and
1177 within 5 months after any subsequent expansion of enrollment.

1178 (d) District school boards shall make ~~every effort to~~
1179 ~~ensure that charter schools receive~~ timely and efficient payment
1180 and reimbursement to charter schools, including processing
1181 paperwork required to access special state and federal funding
1182 for which they may be eligible. The district school board may
1183 distribute funds to a charter school for up to 3 months based on

HB 7103 CS

2006
CS

1184 the projected full-time equivalent student membership of the
1185 charter school. Thereafter, the results of full-time equivalent
1186 student membership surveys shall be used in adjusting the amount
1187 of funds distributed monthly to the charter school for the
1188 remainder of the fiscal year. The payment shall be issued no
1189 later than 10 working days after the district school board
1190 receives a distribution of state or federal funds. If a warrant
1191 for payment is not issued within 10 ~~30~~ working days after
1192 receipt of funding by the district school board, the school
1193 district shall pay to the charter school, in addition to the
1194 amount of the scheduled disbursement, interest at a rate of 5 ~~±~~
1195 percent per month calculated on a daily basis on the unpaid
1196 balance from the expiration of the 10 working days ~~30-day period~~
1197 until such time as the warrant is issued. The Commissioner of
1198 Education is authorized to withhold lottery funds from school
1199 districts that repeatedly fail to make timely payments and
1200 reimbursements.

1201 (e) The State Board of Education is authorized to impose a
1202 fine on or withhold lottery funds from a school district for any
1203 violation of the procedural requirements for charter school
1204 application, termination, or nonrenewal appeals regardless of
1205 whether the violation affects the fairness of the appeal process
1206 or the correctness of the action taken by the school district.
1207 Prior to the imposition of a fine or the withholding of lottery
1208 funds under this paragraph, the State Board of Education shall
1209 provide the school district with notice of the amount of the
1210 proposed fine or lottery funds to be withheld and an opportunity
1211 to be heard at a subsequent meeting of the State Board of

HB 7103 CS

2006
CS

1212 Education. The funds collected for fines under this paragraph
1213 shall be taken from the school district's administrative fee
1214 under paragraph (20) (a) and disbursed to the prevailing charter
1215 school appellant under this section or, if the charter school
1216 appellant's appeal is denied, in equal amounts to each of the
1217 charter schools within the school district. The imposition of a
1218 fine under this paragraph shall not exceed \$10,000 and is a
1219 final action subject to judicial review in the district court of
1220 appeals.

1221 (18) FACILITIES.--

1222 (a) A startup charter school shall utilize facilities
1223 which comply with the Florida Building Code pursuant to chapter
1224 553 except for the State Requirements for Educational
1225 Facilities. Conversion charter schools shall utilize facilities
1226 that comply with the State Requirements for Educational
1227 Facilities, provided that the school district and the charter
1228 school have entered into a mutual management plan with
1229 sufficient funding from the school district to comply with the
1230 State Requirements for Educational Facilities. Charter schools,
1231 with the exception of conversion charter schools, are not
1232 required to comply, but may choose to comply, with the State
1233 Requirements for Educational Facilities of the Florida Building
1234 Code adopted pursuant to s. 1013.37. The local governing
1235 authority shall not adopt or impose local building requirements
1236 or restrictions that are more stringent than those found in the
1237 Florida Building Code. The agency having jurisdiction for
1238 inspection of a facility and issuance of a certificate of

HB 7103 CS

2006
CS

1239 occupancy shall be the local municipality or, if in an
1240 unincorporated area, the county governing authority.

1241 (b) A charter school shall utilize facilities that comply
1242 with the Florida Fire Prevention Code, pursuant to s. 633.025,
1243 as adopted by the authority in whose jurisdiction the facility
1244 is located as provided in paragraph (a).

1245 (c) Any facility, or portion thereof, used to house a
1246 charter school whose charter has been approved by the sponsor
1247 and the governing board, pursuant to subsection (7), shall be
1248 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
1249 community service, museum, performing arts, theatre, cinema,
1250 church, community college, college, and university facilities
1251 may provide space to charter schools within their facilities
1252 under their preexisting zoning and land use designations.

1253 (d) Charter school facilities are exempt from assessments
1254 of fees for building permits, except as provided in s. 553.80,
1255 fees and for building and occupational licenses, and ~~from~~
1256 ~~assessments of~~ impact fees or service availability fees.

1257 (e) If a district school board facility or property is
1258 available because it is surplus, marked for disposal, or
1259 otherwise unused, it shall be provided for a charter school's
1260 use on the same basis as it is made available to other public
1261 schools in the district. A charter school receiving property
1262 from the school district may not sell or dispose of such
1263 property without written permission of the school district.
1264 Similarly, for an existing public school converting to charter
1265 status, no rental or leasing fee for the existing facility or
1266 for the property normally inventoried to the conversion school

HB 7103 CS

2006
CS

1267 | may be charged by the district school board to the parents and
1268 | teachers organizing the charter school. The charter school
1269 | ~~organizers~~ shall agree to reasonable maintenance provisions in
1270 | order to maintain the facility in a manner similar to district
1271 | school board standards. The Public Education Capital Outlay
1272 | maintenance funds or any other maintenance funds generated by
1273 | the facility operated as a conversion school shall remain with
1274 | the conversion school.

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

HB 7103 CS

2006
CS

1295 owner of property planned or approved for new residential
1296 dwelling units and the entity levying educational impact fees
1297 shall enter into an agreement that designates the educational
1298 impact fees that will be allocated for the charter school
1299 student stations and that ensures the timely construction of the
1300 charter school student stations concurrent with the expected
1301 occupancy of the residential units. The application for use of
1302 educational impact fees shall include an approved charter school
1303 application. To assist the school district in forecasting
1304 student station needs, the entity levying the impact fees shall
1305 notify the affected district of any agreements it has approved
1306 for the purpose of mitigating student station impact from the
1307 new residential dwelling units.

1308 (g) Each school district shall annually provide to the
1309 Department of Education as part of its 5-year work plan the
1310 number of existing vacant classrooms in each school that the
1311 district does not intend to use or does not project will be
1312 needed for educational purposes for the following school year.
1313 The department may recommend that a district make such space
1314 available to an appropriate charter school.

1315 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible
1316 for capital outlay funds pursuant to s. 1013.62.

1317 (20) SERVICES.--

1318 (a) A sponsor shall provide certain administrative and
1319 educational services to charter schools. These services shall
1320 include contract management services; full-time equivalent and
1321 data reporting services; exceptional student education
1322 administration services; services related to eligibility and

HB 7103 CS

2006
CS

1323 | reporting duties required to ensure that school lunch services
1324 | under the federal lunch program, consistent with the needs of
1325 | the charter school, are provided by the school district at the
1326 | request of the charter school; test administration services,
1327 | including payment of the costs of state-required or district-
1328 | required student assessments; processing of teacher certificate
1329 | data services; and information services, including equal access
1330 | to student information systems that are used by public schools
1331 | in the district in which the charter school is located. Student
1332 | performance data for each student in a charter school,
1333 | including, but not limited to, FCAT scores, standardized test
1334 | scores, previous public school student report cards, and student
1335 | performance measures, shall be provided by the sponsor to a
1336 | charter school in the same manner provided to other public
1337 | schools in the district. A total administrative fee for the
1338 | provision of such services shall be calculated based upon up to
1339 | 5 percent of the available funds defined in paragraph (17) (b)
1340 | for all students. However, a sponsor may only withhold up to a
1341 | 5-percent administrative fee for enrollment for up to and
1342 | including 500 students. For charter schools with a population of
1343 | 501 or more students, the difference between the total
1344 | administrative fee calculation and the amount of the
1345 | administrative fee withheld may only be used for capital outlay
1346 | purposes specified in s. 1013.62(2). Sponsors shall not charge
1347 | charter schools any additional fees or surcharges for
1348 | administrative and educational services in addition to the
1349 | maximum 5-percent administrative fee withheld pursuant to this
1350 | paragraph.

Page 49 of 59

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hb7103-02-c2

HB 7103 CS

2006
CS

1351 (b) If goods and services are made available to the
 1352 charter school through the contract with the school district,
 1353 they shall be provided to the charter school at a rate no
 1354 greater than the district's actual cost unless mutually agreed
 1355 upon by the charter school and the sponsor in a contract
 1356 negotiated separately from the charter. When mediation has
 1357 failed to resolve disputes over contracted services or
 1358 contractual matters not included in the charter, an appeal may
 1359 be made for a dispute resolution hearing before the Charter
 1360 School Appeal Commission. To maximize the use of state funds,
 1361 school districts shall allow charter schools to participate in
 1362 the sponsor's bulk purchasing program if applicable.

1363 (c) Transportation of charter school students shall be
 1364 provided by the charter school consistent with the requirements
 1365 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
 1366 body of the charter school may provide transportation through an
 1367 agreement or contract with the district school board, a private
 1368 provider, or parents. The charter school and the sponsor shall
 1369 cooperate in making arrangements that ensure that transportation
 1370 is not a barrier to equal access for all students residing
 1371 within a reasonable distance of the charter school as determined
 1372 in its charter.

1373 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
 1374 Department of Education shall provide information to the public,
 1375 directly and through sponsors, both on how to form and operate a
 1376 charter school and on how to enroll in charter schools once they
 1377 are created. This information shall include a standard
 1378 application format, charter format, and charter renewal format

HB 7103 CS

2006
CS

1379 | which shall include the information specified in subsection (7)
1380 | and shall be developed by consulting and negotiating with both
1381 | school districts and charter schools before implementation.
1382 | These formats shall ~~This application format may be used as~~
1383 | guidelines by charter school sponsors ~~chartering entities.~~

1384 | (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--

1385 | (a) The Department of Education shall staff and regularly
1386 | convene a Charter School Review Panel in order to review issues,
1387 | practices, and policies regarding charter schools. The
1388 | composition of the review panel shall include individuals with
1389 | experience in finance, administration, law, education, and
1390 | school governance, and individuals familiar with charter school
1391 | construction and operation. The panel shall include two
1392 | appointees each from the Commissioner of Education, the
1393 | President of the Senate, and the Speaker of the House of
1394 | Representatives. The Governor shall appoint three members of the
1395 | panel and shall designate the chair. Each member of the panel
1396 | shall serve a 1-year term, unless renewed by the office making
1397 | the appointment. The panel shall make recommendations to the
1398 | Legislature, to the Department of Education, to charter schools,
1399 | and to school districts for improving charter school operations
1400 | and oversight and for ensuring best business practices at and
1401 | fair business relationships with charter schools.

1402 | (b) The Legislature shall review the operation of charter
1403 | schools during the 2010 ~~2005~~ Regular Session of the Legislature.

1404 | (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt
1405 | of the annual report required by paragraph (9)(1), the
1406 | Department of Education shall provide to the State Board of

HB 7103 CS

2006
CS

1407 Education, the Commissioner of Education, the Governor, the
 1408 President of the Senate, and the Speaker of the House of
 1409 Representatives an analysis and comparison of the overall
 1410 performance of charter school students, to include all students
 1411 whose scores are counted as part of the statewide assessment
 1412 program, versus comparable public school students in the
 1413 district as determined by the statewide assessment program
 1414 currently administered in the school district, and other
 1415 assessments administered pursuant to s. 1008.22(3).

1416 (24) RULEMAKING.--The Department of Education, after
 1417 consultation with school districts and charter school directors,
 1418 shall recommend that the State Board of Education adopt rules to
 1419 implement specific subsections of this section. Such rules shall
 1420 require minimum paperwork and shall not limit charter school
 1421 flexibility authorized by statute.

1422 Section 2. Subsection (5) of section 218.39, Florida
 1423 Statutes, is amended to read:

1424 218.39 Annual financial audit reports.--

1425 (5) At the conclusion of the audit, the auditor shall
 1426 discuss with the chair of each local governmental entity or the
 1427 chair's designee, or with the elected official of each county
 1428 agency or with the elected official's designee, or with the
 1429 chair of the district school board or the chair's designee, or
 1430 with the chair of the board of the charter school or the chair's
 1431 designee, or with the chair of the charter technical career
 1432 center or the chair's designee, as appropriate, all of the
 1433 auditor's comments that will be included in the audit report. If
 1434 the officer is not available to discuss the auditor's comments,

HB 7103 CS

2006
CS

1435 | their discussion is presumed when the comments are delivered in
 1436 | writing to his or her office. The auditor shall notify each
 1437 | member of the governing body of a local governmental entity, ~~or~~
 1438 | district school board, or charter school for which deteriorating
 1439 | financial conditions exist that may cause a condition described
 1440 | in s. 218.503(1) to occur if actions are not taken to address
 1441 | such conditions.

1442 | Section 3. Section 218.50, Florida Statutes, is amended to
 1443 | read:

1444 | 218.50 Short title.--Sections 218.50-218.504 may be cited
 1445 | as the "Local Governmental Entity, Charter School, and District
 1446 | School Board Financial Emergencies Act."

1447 | Section 4. Section 218.501, Florida Statutes, is amended
 1448 | to read:

1449 | 218.501 Purposes.--The purposes of ss. 218.50-218.504 are:

1450 | (1) To promote the fiscal responsibility of local
 1451 | governmental entities, charter schools, and district school
 1452 | boards.

1453 | (2) To assist local governmental entities, charter
 1454 | schools, and district school boards in providing essential
 1455 | services without interruption and in meeting their financial
 1456 | obligations.

1457 | (3) To assist local governmental entities, charter
 1458 | schools, and district school boards through the improvement of
 1459 | local financial management procedures.

1460 | Section 5. Subsections (1) and (2) of section 218.503,
 1461 | Florida Statutes, are amended, a new subsection (4) is added,

HB 7103 CS

2006
CS

1462 and subsections (4) and (5) of that section are renumbered as
1463 subsections (5) and (6), respectively, to read:

1464 218.503 Determination of financial emergency.--

1465 (1) Local governmental entities, charter schools, and
1466 district school boards shall be subject to review and oversight
1467 by the Governor, charter school sponsor, or the Commissioner of
1468 Education, as appropriate, when any one of the following
1469 conditions occurs:

1470 (a) Failure within the same fiscal year in which due to
1471 pay short-term loans or failure to make bond debt service or
1472 other long-term debt payments when due, as a result of a lack of
1473 funds.

1474 (b) Failure to pay uncontested claims from creditors
1475 within 90 days after the claim is presented, as a result of a
1476 lack of funds.

1477 (c) Failure to transfer at the appropriate time, due to
1478 lack of funds:

1479 1. Taxes withheld on the income of employees; or

1480 2. Employer and employee contributions for:

1481 a. Federal social security; or

1482 b. Any pension, retirement, or benefit plan of an
1483 employee.

1484 (d) Failure for one pay period to pay, due to lack of
1485 funds:

1486 1. Wages and salaries owed to employees; or

1487 2. Retirement benefits owed to former employees.

1488 (e) An unreserved or total fund balance or retained
1489 earnings deficit, or unrestricted or total net assets deficit,

HB 7103 CS

2006
CS

1490 as reported on the balance sheet or statement of net assets on
1491 the general purpose or fund financial statements, for which
1492 sufficient resources of the local governmental entity, as
1493 reported on the balance sheet or statement of net assets on the
1494 general purpose or fund financial statements, are not available
1495 to cover the deficit. Resources available to cover reported
1496 deficits include net assets that are not otherwise restricted by
1497 federal, state, or local laws, bond covenants, contractual
1498 agreements, or other legal constraints. Fixed or capital assets,
1499 the disposal of which would impair the ability of a local
1500 governmental entity to carry out its functions, are not
1501 considered resources available to cover reported deficits.

1502 (2) A local governmental entity shall notify the Governor
1503 and the Legislative Auditing Committee, a charter school shall
1504 notify the charter school sponsor and the Legislative Auditing
1505 Committee, and a district school board shall notify the
1506 Commissioner of Education and the Legislative Auditing
1507 Committee, when one or more of the conditions specified in
1508 subsection (1) have occurred or will occur if action is not
1509 taken to assist the local governmental entity, charter school,
1510 or district school board. In addition, any state agency must,
1511 within 30 days after a determination that one or more of the
1512 conditions specified in subsection (1) have occurred or will
1513 occur if action is not taken to assist the local governmental
1514 entity, charter school, or district school board, notify the
1515 Governor, charter school sponsor, or the Commissioner of
1516 Education, as appropriate, and the Legislative Auditing
1517 Committee.

Page 55 of 59

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hb7103-02-c2

HB 7103 CS

2006
CS

1518 (4) Upon notification that one or more of the conditions
1519 in subsection (1) exist, the charter school sponsor or the
1520 sponsor's designee shall contact the charter school governing
1521 body to determine what actions have been taken by the charter
1522 school governing body to resolve the condition. The charter
1523 school sponsor has the authority to require and approve a
1524 financial recovery plan, to be prepared by the charter school
1525 governing body, prescribing actions that will cause the charter
1526 school to no longer be subject to this section. The Department
1527 of Education shall establish guidelines for developing such
1528 plans.

1529 Section 6. Subsection (1) of section 218.504, Florida
1530 Statutes, is amended to read:

1531 218.504 Cessation of state action.--The Governor or the
1532 Commissioner of Education, as appropriate, has the authority to
1533 terminate all state actions pursuant to ss. 218.50-218.504.
1534 Cessation of state action must not occur until the Governor or
1535 the Commissioner of Education, as appropriate, has determined
1536 that:

1537 (1) The local governmental entity, charter school, or
1538 district school board:

1539 (a) Has established and is operating an effective
1540 financial accounting and reporting system.

1541 (b) Has resolved the conditions outlined in s. 218.503(1).

1542 Section 7. Paragraph (e) of subsection (7) and subsection
1543 (8) of section 11.45, Florida Statutes, are amended to read:

1544 11.45 Definitions; duties; authorities; reports; rules.--

1545 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--

HB 7103 CS

2006
CS

1546 (e) The Auditor General shall notify the Governor or the
 1547 Commissioner of Education, as appropriate, and the Legislative
 1548 Auditing Committee of any audit report reviewed by the Auditor
 1549 General pursuant to paragraph (b) which contains a statement
 1550 that a local governmental entity, charter school, or district
 1551 school board has met one or more of the conditions specified in
 1552 s. 218.503. If the Auditor General requests a clarification
 1553 regarding information included in an audit report to determine
 1554 whether a local governmental entity, charter school, or district
 1555 school board has met one or more of the conditions specified in
 1556 s. 218.503, the requested clarification must be provided within
 1557 45 days after the date of the request. If the local governmental
 1558 entity, charter school, or district school board does not comply
 1559 with the Auditor General's request, the Auditor General shall
 1560 notify the Legislative Auditing Committee. If, after obtaining
 1561 the requested clarification, the Auditor General determines that
 1562 the local governmental entity, charter school, or district
 1563 school board has met one or more of the conditions specified in
 1564 s. 218.503, he or she shall notify the Governor or the
 1565 Commissioner of Education, as appropriate, and the Legislative
 1566 Auditing Committee.

1567 (8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in
 1568 consultation with the Board of Accountancy, shall adopt rules
 1569 for the form and conduct of all financial audits performed by
 1570 independent certified public accountants pursuant to ss.
 1571 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for
 1572 audits of local governmental entities, charter schools, and
 1573 district school boards must include, but are not limited to,

HB 7103 CS

2006
CS

1574 requirements for the reporting of information necessary to carry
 1575 out the purposes of the Local Governmental Entity, Charter
 1576 School, and District School Board Financial Emergencies Act as
 1577 stated in s. 218.501.

1578 Section 8. Subsection (3) of section 1003.05, Florida
 1579 Statutes, is amended to read:

1580 1003.05 Assistance to transitioning students from military
 1581 families.--

1582 (3) Dependent children of active duty military personnel
 1583 who otherwise meet the eligibility criteria for special academic
 1584 programs offered through public schools shall be given first
 1585 preference for admission to such programs even if the program is
 1586 being offered through a public school other than the school to
 1587 which the student would generally be assigned and the school at
 1588 which the program is being offered has reached its maximum
 1589 enrollment. If such a program is offered through a public school
 1590 other than the school to which the student would generally be
 1591 assigned, the parent or guardian of the student must assume
 1592 responsibility for transporting the student to that school. For
 1593 purposes of this subsection, special academic programs include
 1594 ~~charter schools~~, magnet schools, advanced studies programs,
 1595 advanced placement, dual enrollment, and International
 1596 Baccalaureate.

1597 Section 9. Effective July 1, 2007, subsection (2) of
 1598 section 1012.74, Florida Statutes, is amended to read:

1599 1012.74 Florida educators professional liability insurance
 1600 protection.--

HB 7103 CS

2006
CS

1601 (2) (a) Educator professional liability coverage for all
1602 instructional personnel, including charter school instructional
1603 personnel, as defined by s. 1012.01(2), who are full-time
1604 personnel, as defined by the district school board policy, shall
1605 be provided by specific appropriations under the General
1606 Appropriations Act.

1607 (b) Educator professional liability coverage shall be
1608 extended at cost to all instructional personnel, including
1609 charter school instructional personnel, as defined by s.
1610 1012.01(2), who are part-time personnel, as defined by the
1611 district school board policy, and choose to participate in the
1612 state-provided program.

1613 (c) Educator professional liability coverage shall be
1614 extended at cost to all administrative personnel, including
1615 administrative personnel in charter schools, as defined by s.
1616 1012.01(3), who choose to participate in the state-provided
1617 program.

1618 Section 10. Except as otherwise expressly provided in this
1619 act, this act shall take effect July 1, 2006.