

1                   A bill to be entitled  
2           An act relating to charter schools; amending s. 1002.33,  
3           F.S.; revising charter school purposes; modifying  
4           provisions relating to duties of sponsors, the application  
5           process, denial of an application, and review of appeals;  
6           requiring the Department of Education to provide technical  
7           assistance to charter school applicants; providing  
8           requirements relating to charter contracts; providing  
9           procedures when a state of financial emergency exists;  
10          revising provisions relating to charter terms and renewal;  
11          revising nonrenewal and termination provisions, including  
12          procedures for immediate termination; revising provisions  
13          relating to the reversion of funds; revising duties of a  
14          charter school governing body relating to audits;  
15          requiring the department to develop a uniform  
16          accountability report; providing procedures with respect  
17          to charter schools with deficiencies; requiring a school  
18          improvement plan to raise student achievement; providing  
19          for probation and corrective actions; requiring  
20          consultation with respect to conversion charter school  
21          attendance zones; revising provisions relating to payment  
22          and reimbursement to a charter school by a school  
23          district; requiring conversion charter schools to comply  
24          with certain facility requirements under specific  
25          situations; authorizing certain zoning and land use  
26          designations for certain charter school facilities;  
27          revising exemption from assessment of fees; authorizing

28 the department to recommend that school districts make  
29 certain space available to charter schools; providing for  
30 additional services to charter schools and revising  
31 administrative fee requirements; requiring the department  
32 to develop a standard format for applications, charters,  
33 and charter renewals; requiring legislative review of  
34 charter schools in 2010; amending s. 218.39, F.S.;  
35 requiring the governing body of a charter school to be  
36 notified of certain deteriorating financial conditions;  
37 amending s. 218.50, F.S.; modifying a short title;  
38 amending s. 218.501, F.S.; including charter schools in  
39 the statement of purpose relating to financial management;  
40 amending s. 218.503, F.S.; providing for charter schools  
41 to be subject to provisions governing financial  
42 emergencies; providing procedures; amending s. 218.504,  
43 F.S.; providing for cessation of state action related to a  
44 state of financial emergency; amending s. 11.45, F.S.;  
45 conforming provisions; amending s. 1003.05, F.S.;  
46 modifying the list of special academic programs for  
47 transitioning students from military families; providing  
48 an effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Section 1002.33, Florida Statutes, is amended  
53 to read:

54 1002.33 Charter schools.--

55 (1) AUTHORIZATION.--Charter schools shall be part of the  
 56 state's program of public education. All charter schools in  
 57 Florida are public schools. A charter school may be formed by  
 58 creating a new school or converting an existing public school to  
 59 charter status. A public school may not use the term charter in  
 60 its name unless it has been approved under this section.

61 (2) GUIDING PRINCIPLES; PURPOSE.--

62 (a) Charter schools in Florida shall be guided by the  
 63 following principles:

64 1. Meet high standards of student achievement while  
 65 providing parents flexibility to choose among diverse  
 66 educational opportunities within the state's public school  
 67 system.

68 2. Promote enhanced academic success and financial  
 69 efficiency by aligning responsibility with accountability.

70 3. Provide parents with sufficient information on whether  
 71 their child is reading at grade level and whether the child  
 72 gains at least a year's worth of learning for every year spent  
 73 in the charter school.

74 (b) Charter schools shall fulfill the following purposes:

75 1. Improve student learning and academic achievement.

76 2. Increase learning opportunities for all students, with  
 77 special emphasis on low-performing students and reading.

78 ~~3. Create new professional opportunities for teachers,  
 79 including ownership of the learning program at the school site.~~

80 3.4. Encourage the use of innovative learning methods.

81 4.5. Require the measurement of learning outcomes.

82 (c) Charter schools may fulfill the following purposes:

83 1. Create innovative measurement tools.

84 2. Provide rigorous competition within the public school  
85 district to stimulate continual improvement in all public  
86 schools.

87 3. Expand the capacity of the public school system.

88 4. Mitigate the educational impact created by the  
89 development of new residential dwelling units.

90 5. Create new professional opportunities for teachers,  
91 including ownership of the learning program at the school site.

92 (3) APPLICATION FOR CHARTER STATUS.--

93 (a) An application for a new charter school may be made by  
94 an individual, teachers, parents, a group of individuals, a  
95 municipality, or a legal entity organized under the laws of this  
96 state.

97 (b) An application for a conversion charter school shall  
98 be made by the district school board, the principal, teachers,  
99 parents, and/or the school advisory council at an existing  
100 public school that has been in operation for at least 2 years  
101 prior to the application to convert.~~7~~~~including~~ A public school-  
102 within-a-school that is designated as a school by the district  
103 school board may also submit an application to convert to  
104 charter status. An application submitted proposing to convert an  
105 existing public school to a charter school shall demonstrate the  
106 support of at least 50 percent of the teachers employed at the  
107 school and 50 percent of the parents voting whose children are  
108 enrolled at the school, provided that a majority of the parents

109 eligible to vote participate in the ballot process, according to  
110 rules adopted by the State Board of Education. A district school  
111 board denying an application for a conversion charter school  
112 shall provide notice of denial to the applicants in writing  
113 within 10 ~~30~~ days after the meeting at which the district school  
114 board denied the application. The notice must articulate in  
115 writing ~~specify~~ the specific ~~exact~~ reasons for denial and must  
116 provide documentation supporting those reasons. A private  
117 school, parochial school, or home education program shall not be  
118 eligible for charter school status.

119 (4) UNLAWFUL REPRISAL.--

120 (a) No district school board, or district school board  
121 employee who has control over personnel actions, shall take  
122 unlawful reprisal against another district school board employee  
123 because that employee is either directly or indirectly involved  
124 with an application to establish a charter school. As used in  
125 this subsection, the term "unlawful reprisal" means an action  
126 taken by a district school board or a school system employee  
127 against an employee who is directly or indirectly involved in a  
128 lawful application to establish a charter school, which occurs  
129 as a direct result of that involvement, and which results in one  
130 or more of the following: disciplinary or corrective action;  
131 adverse transfer or reassignment, whether temporary or  
132 permanent; suspension, demotion, or dismissal; an unfavorable  
133 performance evaluation; a reduction in pay, benefits, or  
134 rewards; elimination of the employee's position absent of a  
135 reduction in workforce as a result of lack of moneys or work; or

136 other adverse significant changes in duties or responsibilities  
137 that are inconsistent with the employee's salary or employment  
138 classification. The following procedures shall apply to an  
139 alleged unlawful reprisal that occurs as a consequence of an  
140 employee's direct or indirect involvement with an application to  
141 establish a charter school:

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

145 2. Within 3 working days after receiving a complaint under  
146 this section, the Department of Education shall acknowledge  
147 receipt of the complaint and provide copies of the complaint and  
148 any other relevant preliminary information available to each of  
149 the other parties named in the complaint, which parties shall  
150 each acknowledge receipt of such copies to the complainant.

151 3. If the Department of Education determines that the  
152 complaint demonstrates reasonable cause to suspect that an  
153 unlawful reprisal has occurred, the Department of Education  
154 shall conduct an investigation to produce a fact-finding report.

155 4. Within 90 days after receiving the complaint, the  
156 Department of Education shall provide the district school  
157 superintendent of the complainant's district and the complainant  
158 with a fact-finding report that may include recommendations to  
159 the parties or a proposed resolution of the complaint. The fact-  
160 finding report shall be presumed admissible in any subsequent or  
161 related administrative or judicial review.

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

175           6. The Department of Education shall either contract with  
176 the Division of Administrative Hearings under s. 120.65, or  
177 otherwise provide for a complaint for which the Department of  
178 Education determines reasonable grounds exist to believe that an  
179 unlawful reprisal has occurred, is occurring, or is to be taken,  
180 and is unable to conciliate, to be heard by a panel of impartial  
181 persons. Upon hearing the complaint, the panel shall make  
182 findings of fact and conclusions of law for a final decision by  
183 the Department of Education.

184  
185 It shall be an affirmative defense to any action brought  
186 pursuant to this section that the adverse action was predicated  
187 upon grounds other than, and would have been taken absent, the  
188 employee's exercise of rights protected by this section.

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

193 1. Reinstatement of the employee to the same position held  
 194 before the unlawful reprisal was commenced, or to an equivalent  
 195 position, or payment of reasonable front pay as alternative  
 196 relief.

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

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

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

204 5. Issuance of an injunction, if appropriate, by a court  
 205 of competent jurisdiction.

206 6. Temporary reinstatement to the employee's former  
 207 position or to an equivalent position, pending the final outcome  
 208 of the complaint, if it is determined that the action was not  
 209 made in bad faith or for a wrongful purpose, and did not occur  
 210 after a district school board's initiation of a personnel action  
 211 against the employee that includes documentation of the  
 212 employee's violation of a disciplinary standard or performance  
 213 deficiency.

214 (5) SPONSOR; DUTIES.--

215 (a) Sponsoring entities.--



216 | 1. A district school board may sponsor a charter school in  
 217 | the county over which the district school board has  
 218 | jurisdiction.

219 | 2. A state university may grant a charter to a lab school  
 220 | created under s. 1002.32 and shall be considered to be the  
 221 | school's sponsor. Such school shall be considered a charter lab  
 222 | school.

223 | (b) Sponsor duties.--

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

226 | 2. The sponsor shall monitor the revenues and expenditures  
 227 | of the charter school.

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

232 | 4. The sponsor's policies shall not apply to a charter  
 233 | school unless mutually agreed to by both the sponsor and the  
 234 | charter school.

235 | 5. The sponsor shall ensure that the charter is innovative  
 236 | and consistent with the state education goals established by s.  
 237 | 1000.03(5).

238 | 6. The sponsor shall ensure that the charter school  
 239 | participates in the state's education accountability system. If  
 240 | a charter school falls short of performance measures included in  
 241 | the approved charter, the sponsor shall report such shortcomings  
 242 | to the Department of Education.

243           7. The sponsor shall not impose additional reporting  
244 requirements on a charter school without providing reasonable  
245 and specific justification in writing to the charter school.  
246

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

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

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

264           1. Demonstrates how the school will use the guiding  
265 principles and meet the statutorily defined purpose of a charter  
266 school.

267           2. Provides a detailed curriculum plan that illustrates  
268 how students will be provided services to attain the Sunshine  
269 State Standards.

270 3. Contains goals and objectives for improving student  
271 learning and measuring that improvement. These goals and  
272 objectives must indicate how much academic improvement students  
273 are expected to show each year, how success will be evaluated,  
274 and the specific results to be attained through instruction.

275 4. Describes the reading curriculum and differentiated  
276 strategies that will be used for students reading at grade level  
277 or higher and a separate curriculum and strategies for students  
278 who are reading below grade level. A sponsor shall deny a  
279 charter if the school does not propose a reading curriculum that  
280 is consistent with effective teaching strategies that are  
281 grounded in scientifically based reading research.

282 5. Contains an annual financial plan for each year  
283 requested by the charter for operation of the school for up to 5  
284 years. This plan must contain anticipated fund balances based on  
285 revenue projections, a spending plan based on projected revenues  
286 and expenses, and a description of controls that will safeguard  
287 finances and projected enrollment trends.

288 (b) A district school board shall receive and review all  
289 applications for a charter school. Beginning with the 2007-2008  
290 school year, a district school board shall receive and consider  
291 charter school applications received on or before August  
292 ~~September~~ 1 of each calendar year for charter schools to be  
293 opened at the beginning of the school district's next school  
294 year, or to be opened at a time agreed to by the applicant and  
295 the district school board. A district school board may receive  
296 applications later than this date if it chooses. A sponsor may

297 not charge an applicant for a charter any fee for the processing  
298 or consideration of an application, and a sponsor may not base  
299 its consideration or approval of an application upon the promise  
300 of future payment of any kind.

301 1. In order to facilitate an accurate budget projection  
302 process, a district school board shall be held harmless for FTE  
303 students who are not included in the FTE projection due to  
304 approval of charter school applications after the FTE projection  
305 deadline. In a further effort to facilitate an accurate budget  
306 projection, within 15 calendar days after receipt of a charter  
307 school application, a district school board or other sponsor  
308 shall report to the Department of Education the name of the  
309 applicant entity, the proposed charter school location, and its  
310 projected FTE.

311 2. In order to ensure fiscal responsibility, an  
312 application for a charter school shall include a full accounting  
313 of expected assets, a projection of expected sources and amounts  
314 of income, including income derived from projected student  
315 enrollments and from community support, and an expense  
316 projection that includes full accounting of the costs of  
317 operation, including start-up costs.

318 3. A district school board shall by a majority vote  
319 approve or deny an application no later than 60 calendar days  
320 after the application is received, unless the district school  
321 board and the applicant mutually agree in writing to temporarily  
322 postpone the vote to a specific date, at which time the district  
323 school board shall by a majority vote approve or deny the

324 application. If the district school board fails to act on the  
325 application, an applicant may appeal to the State Board of  
326 Education as provided in paragraph (c). If an application is  
327 denied, the district school board shall, within 10 calendar  
328 days, articulate in writing the specific reasons for ~~based upon~~  
329 ~~good cause supporting~~ its denial of the charter application and  
330 shall provide the letter of denial and supporting documentation  
331 to the applicant and to the Department of Education supporting  
332 those reasons.

333 4. For budget projection purposes, the district school  
334 board or other sponsor shall report to the Department of  
335 Education the approval or denial of a charter application within  
336 10 calendar days after such approval or denial. In the event of  
337 approval, the report to the Department of Education shall  
338 include the final projected FTE for the approved charter school.

339 5. Upon approval of a charter application, the initial  
340 startup shall commence with the beginning of the public school  
341 calendar for the district in which the charter is granted unless  
342 the sponsor ~~district school board~~ allows a waiver of this  
343 provision for good cause.

344 (c) An applicant may appeal any denial of that applicant's  
345 application or failure to act on an application to the State  
346 Board of Education no later than 30 calendar days after receipt  
347 of the district school board's decision or failure to act and  
348 shall notify the district school board of its appeal. Any  
349 response of the district school board shall be submitted to the  
350 State Board of Education within 30 calendar days after

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

377 decision of the State Board of Education is not subject to the  
378 provisions of the Administrative Procedure Act, chapter 120.

379 (d) The district school board shall act upon the decision  
380 of the State Board of Education within 30 calendar days after it  
381 is received. The State Board of Education's decision is a final  
382 action subject to judicial review in the district court of  
383 appeal.

384 (e)1. A Charter School Appeal Commission is established to  
385 assist the commissioner and the State Board of Education with a  
386 fair and impartial review of appeals by applicants whose charter  
387 applications have been denied, whose charter contracts have not  
388 been renewed, or whose charter contracts have been terminated by  
389 their sponsors, ~~or whose disputes over contract negotiations~~  
390 ~~have not been resolved through mediation~~.

391 2. The Charter School Appeal Commission may receive copies  
392 of the appeal documents forwarded to the State Board of  
393 Education, review the documents, gather other applicable  
394 information regarding the appeal, and make a written  
395 recommendation to the commissioner. The recommendation must  
396 state whether the appeal should be upheld or denied and include  
397 the reasons for the recommendation being offered. The  
398 commissioner shall forward the recommendation to the State Board  
399 of Education no later than 7 calendar days prior to the date on  
400 which the appeal is to be heard. The state board must consider  
401 the commission's recommendation in making its decision, but is  
402 not bound by the recommendation. The decision of the Charter

403 School Appeal Commission is not subject to the provisions of the  
404 Administrative Procedure Act, chapter 120.

405 3. The commissioner shall appoint the members of the  
406 Charter School Appeal Commission. Members shall serve without  
407 compensation but may be reimbursed for travel and per diem  
408 expenses in conjunction with their service. One-half of the  
409 members must represent currently operating charter schools, and  
410 one-half of the members must represent school districts. The  
411 commissioner or a named designee shall chair the Charter School  
412 Appeal Commission.

413 4. The chair shall convene meetings of the commission and  
414 shall ensure that the written recommendations are completed and  
415 forwarded in a timely manner. In cases where the commission  
416 cannot reach a decision, the chair shall make the written  
417 recommendation with justification, noting that the decision was  
418 rendered by the chair.

419 5. Commission members shall thoroughly review the  
420 materials presented to them from the appellant and the sponsor.  
421 The commission may request information to clarify the  
422 documentation presented to it. In the course of its review, the  
423 commission may facilitate the postponement of an appeal in those  
424 cases where additional time and communication may negate the  
425 need for a formal appeal and both parties agree, in writing, to  
426 postpone the appeal to the State Board of Education. A new date  
427 certain for the appeal shall then be set based upon the rules  
428 and procedures of the State Board of Education. Commission  
429 members shall provide a written recommendation to the state



430 board as to whether the appeal should be upheld or denied. A  
431 fact-based justification for the recommendation must be  
432 included. The chair must ensure that the written recommendation  
433 is submitted to the State Board of Education members no later  
434 than 7 calendar days prior to the date on which the appeal is to  
435 be heard. Both parties in the case shall also be provided a copy  
436 of the recommendation.

437 (f) The Department of Education shall offer or arrange for  
438 training and technical assistance to charter school applicants  
439 in developing business plans and estimating costs and income.  
440 This assistance shall address estimating startup costs,  
441 projecting enrollment, and identifying the types and amounts of  
442 state and federal financial assistance the charter school will  
443 be eligible to receive. The department ~~of Education~~ may provide  
444 other technical assistance to an applicant upon written request.

445 (g) In considering charter applications for a lab school,  
446 a state university shall consult with the district school board  
447 of the county in which the lab school is located. The decision  
448 of a state university may be appealed pursuant to the procedure  
449 established in this subsection.

450 (h) The terms and conditions for the operation of a  
451 charter school shall be set forth by the sponsor and the  
452 applicant in a written contractual agreement, called a charter.  
453 The sponsor shall not impose unreasonable rules or regulations  
454 that violate the intent of giving charter schools greater  
455 flexibility to meet educational goals. The ~~applicant and~~ sponsor  
456 shall have 60 days to provide an initial proposed charter

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

483 (7) CHARTER.--The major issues involving the operation of  
484 a charter school shall be considered in advance and written into  
485 the charter. The charter shall be signed by the governing body  
486 of the charter school and the sponsor, following a public  
487 hearing to ensure community input.

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

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

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

505 3. The current incoming baseline standard of student  
506 academic achievement, the outcomes to be achieved, and the  
507 method of measurement that will be used. The criteria listed in  
508 this subparagraph shall include a detailed description for each  
509 of the following:

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

512           b. How these baseline rates will be compared to rates of  
513 academic progress achieved by these same students while  
514 attending the charter school.

515           c. To the extent possible, how these rates of progress  
516 will be evaluated and compared with rates of progress of other  
517 closely comparable student populations.

518

519 The district school board is required to provide academic  
520 student performance data to charter schools for each of their  
521 students coming from the district school system, as well as  
522 rates of academic progress of comparable student populations in  
523 the district school system.

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

533           5. In secondary charter schools, a method for determining  
534 that a student has satisfied the requirements for graduation in  
535 s. 1003.43.

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

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

540           8. The ways by which the school will achieve a  
541 racial/ethnic balance reflective of the community it serves or  
542 within the racial/ethnic range of other public schools in the  
543 same school district.

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

556           10. The asset and liability projections required in the  
557 application which are incorporated into the charter and which  
558 shall be compared with information provided in the annual report  
559 of the charter school. The charter shall ensure that, if a  
560 charter school internal audit or annual financial audit reveals  
561 a state of financial emergency as defined in s. 218.503 or  
562 deficit financial position, the auditors are required to notify

563 the charter school governing board, the sponsor, and the  
564 Department of Education. The internal auditor shall report such  
565 findings in the form of an exit interview to the principal or  
566 the principal administrator of the charter school and the chair  
567 of the governing board within 7 working days after finding the  
568 state of financial emergency or deficit position. A final report  
569 shall be provided to the entire governing board, the sponsor,  
570 and the Department of Education within 14 working days after the  
571 exit interview. When a charter school is in a state of financial  
572 emergency, the charter school shall file a detailed financial  
573 recovery plan with the sponsor. The department, with the  
574 involvement of both sponsors and charter schools, shall  
575 establish guidelines for developing such plans.

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

585 12. The term of the charter which shall provide for  
586 cancellation of the charter if insufficient progress has been  
587 made in attaining the student achievement objectives of the  
588 charter and if it is not likely that such objectives can be  
589 achieved before expiration of the charter. The initial term of a

590 charter shall be for ~~3~~<sup>4</sup> or 5 years. In order to facilitate  
 591 access to long-term financial resources for charter school  
 592 construction, charter schools that are operated by a  
 593 municipality or other public entity as provided by law are  
 594 eligible for up to a 15-year charter, subject to approval by the  
 595 district school board. A charter lab school is eligible for a  
 596 charter for a term of up to 15 years. In addition, to facilitate  
 597 access to long-term financial resources for charter school  
 598 construction, charter schools that are operated by a private,  
 599 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 600 up to a 15-year ~~10-year~~ charter, subject to approval by the  
 601 district school board. Such long-term charters remain subject to  
 602 annual review and may be terminated during the term of the  
 603 charter, but only ~~for specific good cause~~ according to the  
 604 provisions set forth in subsection (8).

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

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

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

612 16. A timetable for implementing the charter which  
 613 addresses the implementation of each element thereof and the  
 614 date by which the charter shall be awarded in order to meet this  
 615 timetable.

616           17. In the case of an existing public school being  
617 converted to charter status, alternative arrangements for  
618 current students who choose not to attend the charter school and  
619 for current teachers who choose not to teach in the charter  
620 school after conversion in accordance with the existing  
621 collective bargaining agreement or district school board rule in  
622 the absence of a collective bargaining agreement. However,  
623 alternative arrangements shall not be required for current  
624 teachers who choose not to teach in a charter lab school, except  
625 as authorized by the employment policies of the state university  
626 which grants the charter to the lab school.

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

637           2. The 15-year charter renewal that may be granted  
638 pursuant to subparagraph 1. shall be granted to a charter school  
639 that has received a school grade of "A" or "B" pursuant to s.  
640 1008.34 in 3 of the past 4 years and is not in a state of  
641 financial emergency or deficit position as defined by this  
642 section. Such long-term charter is subject to annual review and



643 may be terminated during the term of the charter pursuant to  
644 subsection (8).

645 (c) A charter may be modified during its initial term or  
646 any renewal term upon the recommendation of the sponsor or the  
647 charter school governing board and the approval of both parties  
648 to the agreement.

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

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

653 1. Failure to participate in the state's education  
654 accountability system created in s. 1008.31, as required in this  
655 section, or failure to meet the requirements for student  
656 performance stated in the charter.

657 2. Failure to meet generally accepted standards of fiscal  
658 management.

659 3. Violation of law.

660 4. Other good cause shown.

661 ~~(b) During the term of a charter, the sponsor may~~  
662 ~~terminate the charter for any of the grounds listed in paragraph~~  
663 ~~(a).~~

664 (b)(e) At least 90 days prior to renewing or terminating a  
665 charter, the sponsor shall notify the governing body of the  
666 school of the proposed action in writing. The notice shall state  
667 in reasonable detail the grounds for the proposed action and  
668 stipulate that the school's governing body may, within 14  
669 calendar days after receiving the notice, request an informal

670 hearing before the sponsor. The sponsor shall conduct the  
671 informal hearing within 30 calendar days after receiving a  
672 written request. ~~The charter school's governing body may, within~~  
673 ~~14 calendar days after receiving the sponsor's decision to~~  
674 ~~terminate or refuse to renew the charter, appeal the decision~~  
675 ~~pursuant to the procedure established in subsection (6).~~

676 (c) If a charter is not renewed or is terminated pursuant  
677 to paragraph (b), the sponsor shall, within 10 calendar days,  
678 articulate in writing the specific reasons for its nonrenewal or  
679 termination of the charter and must provide the letter of  
680 nonrenewal or termination and documentation supporting the  
681 reasons to the charter school governing body, the charter school  
682 principal, and the Department of Education. The charter school's  
683 governing body may, within 30 calendar days after receiving the  
684 sponsor's final written decision to refuse to renew or to  
685 terminate the charter, appeal the decision pursuant to the  
686 procedure established in subsection (6).

687 (d) A charter may be terminated immediately if the sponsor  
688 determines that good cause has been shown or if the health,  
689 safety, or welfare of the students is threatened. The sponsor  
690 shall notify in writing the charter school's governing body, the  
691 charter school principal, and the department if a charter is  
692 immediately terminated. The sponsor shall clearly identify the  
693 specific issues that resulted in the immediate termination and  
694 provide evidence of prior notification of issues resulting in  
695 the immediate termination when appropriate. The school district  
696 in which the charter school is located shall assume operation of

697 the school under these circumstances. The charter school's  
698 governing board may, within 30 ~~14~~ days after receiving the  
699 sponsor's decision to terminate the charter, appeal the decision  
700 pursuant to the procedure established in subsection (6).

701 (e) When a charter is not renewed or is terminated, the  
702 school shall be dissolved under the provisions of law under  
703 which the school was organized, and any unencumbered public  
704 funds, except for capital outlay funds and federal charter  
705 school program grant funds, from the charter school shall revert  
706 to the sponsor ~~district school board~~. Capital outlay funds  
707 provided pursuant to s. 1013.62 and federal charter school  
708 program grant funds that are unencumbered shall revert to the  
709 department to be redistributed among eligible charter schools.  
710 In the event a charter school is dissolved or is otherwise  
711 terminated, all district school board property and improvements,  
712 furnishings, and equipment purchased with public funds shall  
713 automatically revert to full ownership by the district school  
714 board, subject to complete satisfaction of any lawful liens or  
715 encumbrances. Any unencumbered public funds from the charter  
716 school, district school board property and improvements,  
717 furnishings, and equipment purchased with public funds, or  
718 financial or other records pertaining to the charter school, in  
719 the possession of any person, entity, or holding company, other  
720 than the charter school, shall be held in trust upon the  
721 district school board's request, until any appeal status is  
722 resolved.

723 (f) If a charter is not renewed or is terminated, the  
724 charter school is responsible for all debts of the charter  
725 school. The district may not assume the debt from any contract  
726 for services made between the governing body of the school and a  
727 third party, except for a debt that is previously detailed and  
728 agreed upon in writing by both the district and the governing  
729 body of the school and that may not reasonably be assumed to  
730 have been satisfied by the district.

731 (g) If a charter is not renewed or is terminated, a  
732 student who attended the school may apply to, and shall be  
733 enrolled in, another public school. Normal application deadlines  
734 shall be disregarded under such circumstances.

735 (9) CHARTER SCHOOL REQUIREMENTS.--

736 (a) A charter school shall be nonsectarian in its  
737 programs, admission policies, employment practices, and  
738 operations.

739 (b) A charter school shall admit students as provided in  
740 subsection (10).

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

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

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

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

751 (g) A charter school shall provide for an annual financial  
752 audit in accordance with s. 218.39. Financial audits that reveal  
753 a state of financial emergency as defined in s. 218.503 and are  
754 conducted by a certified public accountant or auditor in  
755 accordance with s. 218.39 shall be provided to the governing  
756 body of the charter school within 7 working days after finding  
757 that a state of financial emergency exists. When a charter  
758 school is found to be in a state of financial emergency by a  
759 certified public accountant or auditor, the charter school must  
760 file a detailed financial recovery plan with the sponsor within  
761 30 days after receipt of the audit.

762 ~~(h) No organization shall hold more than 15 charters~~  
763 ~~statewide.~~

764 (h)-(i) In order to provide financial information that is  
765 comparable to that reported for other public schools, charter  
766 schools are to maintain all financial records which constitute  
767 their accounting system:

768 1. In accordance with the accounts and codes prescribed in  
769 the most recent issuance of the publication titled "Financial  
770 and Program Cost Accounting and Reporting for Florida Schools";  
771 or

772 2. At the discretion of the charter school governing  
773 board, a charter school may elect to follow generally accepted  
774 accounting standards for not-for-profit organizations, but must

775 reformat this information for reporting according to this  
776 paragraph.

777

778 Charter schools shall ~~are to~~ provide annual financial report and  
779 program cost report information in the state-required formats  
780 for inclusion in district reporting in compliance with s.  
781 1011.60(1). Charter schools that are operated by a municipality  
782 or are a component unit of a parent nonprofit organization may  
783 use the accounting system of the municipality or the parent but  
784 must reformat this information for reporting according to this  
785 paragraph.

786 (i)~~(j)~~ The governing board of the charter school shall  
787 annually adopt and maintain an operating budget.

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

790 (k) The governing body of the charter school shall be  
791 responsible for:

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

796 2. Reviewing and approving the audit report, including  
797 audit findings and recommendations for the financial recovery  
798 plan.

799 3. Monitoring a financial recovery plan in order to ensure  
800 compliance.

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

815 1. Student achievement performance data, including the  
816 information required for the annual school report and the  
817 education accountability system governed by ss. 1008.31 and  
818 1008.345. Charter schools are subject to the same accountability  
819 requirements as other public schools, including reports of  
820 student achievement information that links baseline student data  
821 to the school's performance projections identified in the  
822 charter. The charter school shall identify reasons for any  
823 difference between projected and actual student performance.

824 2. Financial status of the charter school which must  
825 include revenues and expenditures at a level of detail that  
826 allows for analysis of the ability to meet financial obligations  
827 and timely repayment of debt.

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

831 4. Descriptive information about the charter school's  
832 personnel, including salary and benefit levels of charter school  
833 employees, the proportion of instructional personnel who hold  
834 professional or temporary certificates, and the proportion of  
835 instructional personnel teaching in-field or out-of-field.

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

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

841 (o) The director and a representative of the governing  
842 body of a charter school that has received a school grade of "D"  
843 under s. 1008.34(2) shall appear before the sponsor or the  
844 sponsor's staff at least once a year to present information  
845 concerning each contract component having noted deficiencies.  
846 The sponsor shall communicate at the meeting, and in writing to  
847 the director, the services provided to the school to help the  
848 school address its deficiencies.

849 (p) Upon notification that a charter school receives a  
850 school grade of "D" for 2 consecutive years or a school grade of  
851 "F" under s. 1008.34(2), the charter school sponsor or the  
852 sponsor's staff shall require the director and a representative  
853 of the governing body to submit to the sponsor for approval a  
854 school improvement plan to raise student achievement and to



855 implement the plan. The sponsor has the authority to approve a  
856 school improvement plan that the charter school will implement  
857 in the following school year. The sponsor may also consider the  
858 State Board of Education's recommended action pursuant to s.  
859 1008.33(1) as part of the school improvement plan. The  
860 Department of Education shall offer technical assistance and  
861 training to the charter school and its governing body and  
862 establish guidelines for developing, submitting, and approving  
863 such plans.

864 1. If the charter school fails to improve its student  
865 performance from the year immediately prior to the  
866 implementation of the school improvement plan, the sponsor shall  
867 place the charter school on probation and shall require the  
868 charter school governing body to take one of the following  
869 corrective actions:

870 a. Contract for the educational services of the charter  
871 school;

872 b. Reorganize the school at the end of the school year  
873 under a new director or principal who is authorized to hire new  
874 staff and implement a plan that addresses the causes of  
875 inadequate progress; or

876 c. Reconstitute the charter school.

877 2. A charter school that is placed on probation shall  
878 continue the corrective actions required under subparagraph 1.  
879 until the charter school improves its student performance from  
880 the year prior to the implementation of the school improvement  
881 plan.

882        3. Notwithstanding any provision of this paragraph, the  
883 sponsor may terminate the charter at any time pursuant to the  
884 provisions of subsection (8).

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

895        (10) ELIGIBLE STUDENTS.--

896        (a) A charter school shall be open to any student covered  
897 in an interdistrict agreement or residing in the school district  
898 in which the charter school is located; however, in the case of  
899 a charter lab school, the charter lab school shall be open to  
900 any student eligible to attend the lab school as provided in s.  
901 1002.32 or who resides in the school district in which the  
902 charter lab school is located. Any eligible student shall be  
903 allowed interdistrict transfer to attend a charter school when  
904 based on good cause.

905        (b) The charter school shall enroll an eligible student  
906 who submits a timely application, unless the number of  
907 applications exceeds the capacity of a program, class, grade  
908 level, or building. In such case, all applicants shall have an

909 equal chance of being admitted through a random selection  
910 process.

911 (c) When a public school converts to charter status,  
912 enrollment preference shall be given to students who would have  
913 otherwise attended that public school. The district school board  
914 shall consult and negotiate with the conversion charter school  
915 every 3 years to determine whether realignment of the conversion  
916 charter school's attendance zone is appropriate in order to  
917 ensure that students residing closest to the charter school are  
918 provided with an enrollment preference.

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

921 1. Students who are siblings of a student enrolled in the  
922 charter school.

923 2. Students who are the children of a member of the  
924 governing board of the charter school.

925 3. Students who are the children of an employee of the  
926 charter school.

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

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

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

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

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

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

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

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

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

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

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

971 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

983 (d) The teachers at a charter school may choose to be part  
 984 of a professional group that subcontracts with the charter  
 985 school to operate the instructional program under the auspices  
 986 of a partnership or cooperative that they collectively own.  
 987 Under this arrangement, the teachers would not be public  
 988 employees.

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

1001 (f) Teachers employed by or under contract to a charter  
1002 school shall be certified as required by chapter 1012. A charter  
1003 school governing board may employ or contract with skilled  
1004 selected noncertified personnel to provide instructional  
1005 services or to assist instructional staff members as education  
1006 paraprofessionals in the same manner as defined in chapter 1012,  
1007 and as provided by State Board of Education rule for charter  
1008 school governing boards. A charter school may not knowingly  
1009 employ an individual to provide instructional services or to  
1010 serve as an education paraprofessional if the individual's  
1011 certification or licensure as an educator is suspended or  
1012 revoked by this or any other state. A charter school may not  
1013 knowingly employ an individual who has resigned from a school  
1014 district in lieu of disciplinary action with respect to child  
1015 welfare or safety, or who has been dismissed for just cause by

1016 any school district with respect to child welfare or safety. The  
 1017 qualifications of teachers shall be disclosed to parents.

1018 (g) A charter school shall employ or contract with  
 1019 employees who have undergone background screening as provided in  
 1020 s. 1012.32. Members of the governing board of the charter school  
 1021 shall also undergo background screening in a manner similar to  
 1022 that provided in s. 1012.32.

1023 (h) For the purposes of tort liability, the governing body  
 1024 and employees of a charter school shall be governed by s.  
 1025 768.28.

1026 (i) A charter school shall organize as, or be operated by,  
 1027 a nonprofit organization. A charter school may be operated by a  
 1028 municipality or other public entity as provided for by law. As  
 1029 such, the charter school may be either a private or a public  
 1030 employer. As a public employer, a charter school may participate  
 1031 in the Florida Retirement System upon application and approval  
 1032 as a "covered group" under s. 121.021(34). If a charter school  
 1033 participates in the Florida Retirement System, the charter  
 1034 school employees shall be compulsory members of the Florida  
 1035 Retirement System. As either a private or a public employer, a  
 1036 charter school may contract for services with an individual or  
 1037 group of individuals who are organized as a partnership or a  
 1038 cooperative. Individuals or groups of individuals who contract  
 1039 their services to the charter school are not public employees.

1040 (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
 1041 enter into cooperative agreements to form charter school  
 1042 cooperative organizations that may provide the following

1043 | services: charter school planning and development, direct  
 1044 | instructional services, and contracts with charter school  
 1045 | governing boards to provide personnel administrative services,  
 1046 | payroll services, human resource management, evaluation and  
 1047 | assessment services, teacher preparation, and professional  
 1048 | development.

1049 |       (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
 1050 | INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
 1051 | TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to  
 1052 | borrow or otherwise secure funds for a charter school authorized  
 1053 | in this section from a source other than the state or a school  
 1054 | district shall indemnify the state and the school district from  
 1055 | any and all liability, including, but not limited to, financial  
 1056 | responsibility for the payment of the principal or interest. Any  
 1057 | loans, bonds, or other financial agreements are not obligations  
 1058 | of the state or the school district but are obligations of the  
 1059 | charter school authority and are payable solely from the sources  
 1060 | of funds pledged by such agreement. The credit or taxing power  
 1061 | of the state or the school district shall not be pledged and no  
 1062 | debts shall be payable out of any moneys except those of the  
 1063 | legal entity in possession of a valid charter approved by a  
 1064 | district school board pursuant to this section.

1065 |       (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
 1066 | A-MUNICIPALITY.--

1067 |       (a) In order to increase business partnerships in  
 1068 | education, to reduce school and classroom overcrowding  
 1069 | throughout the state, and to offset the high costs for



1070 educational facilities construction, the Legislature intends to  
1071 encourage the formation of business partnership schools or  
1072 satellite learning centers and municipal-operated schools  
1073 through charter school status.

1074 (b) A charter school-in-the-workplace may be established  
1075 when a business partner provides the school facility to be used;  
1076 enrolls students based upon a random lottery that involves all  
1077 of the children of employees of that business or corporation who  
1078 are seeking enrollment, as provided for in subsection (10); and  
1079 enrolls students according to the racial/ethnic balance  
1080 provisions described in subparagraph (7)(a)8. Any portion of a  
1081 facility used for a public charter school shall be exempt from  
1082 ad valorem taxes, as provided for in s. 1013.54, for the  
1083 duration of its use as a public school.

1084 (c) A charter school-in-a-municipality designation may be  
1085 granted to a municipality that possesses a charter; enrolls  
1086 students based upon a random lottery that involves all of the  
1087 children of the residents of that municipality who are seeking  
1088 enrollment, as provided for in subsection (10); and enrolls  
1089 students according to the racial/ethnic balance provisions  
1090 described in subparagraph (7)(a)8. When a municipality has  
1091 submitted charter applications for the establishment of a  
1092 charter school feeder pattern, consisting of elementary, middle,  
1093 and senior high schools, and each individual charter application  
1094 is approved by the district school board, such schools shall  
1095 then be designated as one charter school for all purposes listed  
1096 pursuant to this section. Any portion of the land and facility

1097 | used for a public charter school shall be exempt from ad valorem  
 1098 | taxes, as provided for in s. 1013.54, for the duration of its  
 1099 | use as a public school.

1100 | (d) As used in this subsection, the terms "business  
 1101 | partner" or "municipality" may include more than one business or  
 1102 | municipality to form a charter school-in-the-workplace or  
 1103 | charter school-in-a-municipality.

1104 | (16) EXEMPTION FROM STATUTES.--

1105 | (a) A charter school shall operate in accordance with its  
 1106 | charter and shall be exempt from all statutes in chapters 1000-  
 1107 | 1013. However, a charter school shall be in compliance with the  
 1108 | following statutes in chapters 1000-1013:

1109 | 1. Those statutes specifically applying to charter  
 1110 | schools, including this section.

1111 | 2. Those statutes pertaining to the student assessment  
 1112 | program and school grading system.

1113 | 3. Those statutes pertaining to the provision of services  
 1114 | to students with disabilities.

1115 | 4. Those statutes pertaining to civil rights, including s.  
 1116 | 1000.05, relating to discrimination.

1117 | 5. Those statutes pertaining to student health, safety,  
 1118 | and welfare.

1119 | (b) Additionally, a charter school shall be in compliance  
 1120 | with the following statutes:

1121 | 1. Section 286.011, relating to public meetings and  
 1122 | records, public inspection, and criminal and civil penalties.

1123 | 2. Chapter 119, relating to public records.

1124 (17) FUNDING.--Students enrolled in a charter school,  
 1125 regardless of the sponsorship, shall be funded as if they are in  
 1126 a basic program or a special program, the same as students  
 1127 enrolled in other public schools in the school district. Funding  
 1128 for a charter lab school shall be as provided in s. 1002.32.

1129 (a) Each charter school shall report its student  
 1130 enrollment to the district school board as required in s.  
 1131 1011.62, and in accordance with the definitions in s. 1011.61.  
 1132 The district school board shall include each charter school's  
 1133 enrollment in the district's report of student enrollment. All  
 1134 charter schools submitting student record information required  
 1135 by the Department of Education shall comply with the Department  
 1136 of Education's guidelines for electronic data formats for such  
 1137 data, and all districts shall accept electronic data that  
 1138 complies with the Department of Education's electronic format.

1139 (b) The basis for the agreement for funding students  
 1140 enrolled in a charter school shall be the sum of the school  
 1141 district's operating funds from the Florida Education Finance  
 1142 Program as provided in s. 1011.62 and the General Appropriations  
 1143 Act, including gross state and local funds, discretionary  
 1144 lottery funds, and funds from the school district's current  
 1145 operating discretionary millage levy; divided by total funded  
 1146 weighted full-time equivalent students in the school district;  
 1147 multiplied by the weighted full-time equivalent students for the  
 1148 charter school. Charter schools whose students or programs meet  
 1149 the eligibility criteria in law shall be entitled to their  
 1150 proportionate share of categorical program funds included in the

1151 total funds available in the Florida Education Finance Program  
1152 by the Legislature, including transportation. Total funding for  
1153 each charter school shall be recalculated during the year to  
1154 reflect the revised calculations under the Florida Education  
1155 Finance Program by the state and the actual weighted full-time  
1156 equivalent students reported by the charter school during the  
1157 full-time equivalent student survey periods designated by the  
1158 Commissioner of Education.

1159 (c) If the district school board is providing programs or  
1160 services to students funded by federal funds, any eligible  
1161 students enrolled in charter schools in the school district  
1162 shall be provided federal funds for the same level of service  
1163 provided students in the schools operated by the district school  
1164 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
1165 charter schools shall receive all federal funding for which the  
1166 school is otherwise eligible, including Title I funding, not  
1167 later than 5 months after the charter school first opens and  
1168 within 5 months after any subsequent expansion of enrollment.

1169 (d) District school boards shall make ~~every effort to~~  
1170 ~~ensure that charter schools receive~~ timely and efficient payment  
1171 and reimbursement to charter schools, including processing  
1172 paperwork required to access special state and federal funding  
1173 for which they may be eligible. The district school board may  
1174 distribute funds to a charter school for up to 3 months based on  
1175 the projected full-time equivalent student membership of the  
1176 charter school. Thereafter, the results of full-time equivalent  
1177 student membership surveys shall be used in adjusting the amount

1178 of funds distributed monthly to the charter school for the  
 1179 remainder of the fiscal year. The payment shall be issued no  
 1180 later than 10 working days after the district school board  
 1181 receives a distribution of state or federal funds. If a warrant  
 1182 for payment is not issued within 10 ~~30~~ working days after  
 1183 receipt of funding by the district school board, the school  
 1184 district shall pay to the charter school, in addition to the  
 1185 amount of the scheduled disbursement, interest at a rate of 1  
 1186 percent per month calculated on a daily basis on the unpaid  
 1187 balance from the expiration of the 10 working days ~~30-day period~~  
 1188 until such time as the warrant is issued.

1189 (18) FACILITIES.--

1190 (a) A startup charter school shall utilize facilities  
 1191 which comply with the Florida Building Code pursuant to chapter  
 1192 553 except for the State Requirements for Educational  
 1193 Facilities. Conversion charter schools shall utilize facilities  
 1194 that comply with the State Requirements for Educational  
 1195 Facilities provided that the school district and the charter  
 1196 school have entered into a mutual management plan for the  
 1197 reasonable maintenance of such facilities. The mutual management  
 1198 plan shall contain a provision by which the district school  
 1199 board agrees to maintain charter school facilities in the same  
 1200 manner as its other public schools within the district. Charter  
 1201 schools, with the exception of conversion charter schools, are  
 1202 not required to comply, but may choose to comply, with the State  
 1203 Requirements for Educational Facilities of the Florida Building  
 1204 Code adopted pursuant to s. 1013.37. The local governing

1205 authority shall not adopt or impose local building requirements  
 1206 or restrictions that are more stringent than those found in the  
 1207 Florida Building Code. The agency having jurisdiction for  
 1208 inspection of a facility and issuance of a certificate of  
 1209 occupancy shall be the local municipality or, if in an  
 1210 unincorporated area, the county governing authority.

1211 (b) A charter school shall utilize facilities that comply  
 1212 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
 1213 as adopted by the authority in whose jurisdiction the facility  
 1214 is located as provided in paragraph (a).

1215 (c) Any facility, or portion thereof, used to house a  
 1216 charter school whose charter has been approved by the sponsor  
 1217 and the governing board, pursuant to subsection (7), shall be  
 1218 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
 1219 community service, museum, performing arts, theatre, cinema,  
 1220 church, community college, college, and university facilities  
 1221 may provide space to charter schools within their facilities  
 1222 under their preexisting zoning and land use designations.

1223 (d) Charter school facilities are exempt from assessments  
 1224 of fees for building permits, except as provided in s. 553.80,  
 1225 fees and for building and occupational licenses, and ~~from~~  
 1226 ~~assessments of~~ impact fees or service availability fees.

1227 (e) If a district school board facility or property is  
 1228 available because it is surplus, marked for disposal, or  
 1229 otherwise unused, it shall be provided for a charter school's  
 1230 use on the same basis as it is made available to other public  
 1231 schools in the district. A charter school receiving property

1232 from the school district may not sell or dispose of such  
1233 property without written permission of the school district.  
1234 Similarly, for an existing public school converting to charter  
1235 status, no rental or leasing fee for the existing facility or  
1236 for the property normally inventoried to the conversion school  
1237 may be charged by the district school board to the parents and  
1238 teachers organizing the charter school. The charter school  
1239 ~~organizers~~ shall agree to reasonable maintenance provisions in  
1240 order to maintain the facility in a manner similar to district  
1241 school board standards. The Public Education Capital Outlay  
1242 maintenance funds or any other maintenance funds generated by  
1243 the facility operated as a conversion school shall remain with  
1244 the conversion school.

1245 (f) To the extent that charter school facilities are  
1246 specifically created to mitigate the educational impact created  
1247 by the development of new residential dwelling units, pursuant  
1248 to subparagraph (2)(c)4., some of or all of the educational  
1249 impact fees required to be paid in connection with the new  
1250 residential dwelling units may be designated instead for the  
1251 construction of the charter school facilities that will mitigate  
1252 the student station impact. Such facilities shall be built to  
1253 the State Requirements for Educational Facilities and shall be  
1254 owned by a public or nonprofit entity. The local school district  
1255 retains the right to monitor and inspect such facilities to  
1256 ensure compliance with the State Requirements for Educational  
1257 Facilities. If a facility ceases to be used for public  
1258 educational purposes, either the facility shall revert to the

1259 school district subject to any debt owed on the facility, or the  
1260 owner of the facility shall have the option to refund all  
1261 educational impact fees utilized for the facility to the school  
1262 district. The district and the owner of the facility may  
1263 contractually agree to another arrangement for the facilities if  
1264 the facilities cease to be used for educational purposes. The  
1265 owner of property planned or approved for new residential  
1266 dwelling units and the entity levying educational impact fees  
1267 shall enter into an agreement that designates the educational  
1268 impact fees that will be allocated for the charter school  
1269 student stations and that ensures the timely construction of the  
1270 charter school student stations concurrent with the expected  
1271 occupancy of the residential units. The application for use of  
1272 educational impact fees shall include an approved charter school  
1273 application. To assist the school district in forecasting  
1274 student station needs, the entity levying the impact fees shall  
1275 notify the affected district of any agreements it has approved  
1276 for the purpose of mitigating student station impact from the  
1277 new residential dwelling units.

1278 (g) Each school district shall annually provide to the  
1279 Department of Education as part of its 5-year work plan the  
1280 number of existing vacant classrooms in each school that the  
1281 district does not intend to use or does not project will be  
1282 needed for educational purposes for the following school year.  
1283 The department may recommend that a district make such space  
1284 available to an appropriate charter school.



1285 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible  
1286 for capital outlay funds pursuant to s. 1013.62.

1287 (20) SERVICES.--

1288 (a) A sponsor shall provide certain administrative and  
1289 educational services to charter schools. These services shall  
1290 include contract management services; full-time equivalent and  
1291 data reporting services; exceptional student education  
1292 administration services; services related to eligibility and  
1293 reporting duties required to ensure that school lunch services  
1294 under the federal lunch program, consistent with the needs of  
1295 the charter school, are provided by the school district at the  
1296 request of the charter school; test administration services,  
1297 including payment of the costs of state-required or district-  
1298 required student assessments; processing of teacher certificate  
1299 data services; and information services, including equal access  
1300 to student information systems that are used by public schools  
1301 in the district in which the charter school is located. Student  
1302 performance data for each student in a charter school,  
1303 including, but not limited to, FCAT scores, standardized test  
1304 scores, previous public school student report cards, and student  
1305 performance measures, shall be provided by the sponsor to a  
1306 charter school in the same manner provided to other public  
1307 schools in the district. A total administrative fee for the  
1308 provision of such services shall be calculated based upon up to  
1309 5 percent of the available funds defined in paragraph (17)(b)  
1310 for all students. However, a sponsor may only withhold up to a  
1311 5-percent administrative fee for enrollment for up to and

1312 including 500 students. For charter schools with a population of  
1313 501 or more students, the difference between the total  
1314 administrative fee calculation and the amount of the  
1315 administrative fee withheld may only be used for capital outlay  
1316 purposes specified in s. 1013.62(2). Sponsors shall not charge  
1317 charter schools any additional fees or surcharges for  
1318 administrative and educational services in addition to the  
1319 maximum 5-percent administrative fee withheld pursuant to this  
1320 paragraph.

1321 (b) If goods and services are made available to the  
1322 charter school through the contract with the school district,  
1323 they shall be provided to the charter school at a rate no  
1324 greater than the district's actual cost unless mutually agreed  
1325 upon by the charter school and the sponsor in a contract  
1326 negotiated separately from the charter. When mediation has  
1327 failed to resolve disputes over contracted services or  
1328 contractual matters not included in the charter, an appeal may  
1329 be made for a dispute resolution hearing before the Charter  
1330 School Appeal Commission. To maximize the use of state funds,  
1331 school districts shall allow charter schools to participate in  
1332 the sponsor's bulk purchasing program if applicable.

1333 (c) Transportation of charter school students shall be  
1334 provided by the charter school consistent with the requirements  
1335 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1336 body of the charter school may provide transportation through an  
1337 agreement or contract with the district school board, a private  
1338 provider, or parents. The charter school and the sponsor shall

1339 cooperate in making arrangements that ensure that transportation  
 1340 is not a barrier to equal access for all students residing  
 1341 within a reasonable distance of the charter school as determined  
 1342 in its charter.

1343 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
 1344 Department of Education shall provide information to the public,  
 1345 directly and through sponsors, both on how to form and operate a  
 1346 charter school and on how to enroll in charter schools once they  
 1347 are created. This information shall include a standard  
 1348 application format, charter format, and charter renewal format  
 1349 which shall include the information specified in subsection (7)  
 1350 and shall be developed by consulting and negotiating with both  
 1351 school districts and charter schools before implementation.  
 1352 These formats shall ~~This application format may be used as~~  
 1353 guidelines by charter school sponsors ~~chartering entities.~~

1354 (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--

1355 (a) The Department of Education shall staff and regularly  
 1356 convene a Charter School Review Panel in order to review issues,  
 1357 practices, and policies regarding charter schools. The  
 1358 composition of the review panel shall include individuals with  
 1359 experience in finance, administration, law, education, and  
 1360 school governance, and individuals familiar with charter school  
 1361 construction and operation. The panel shall include two  
 1362 appointees each from the Commissioner of Education, the  
 1363 President of the Senate, and the Speaker of the House of  
 1364 Representatives. The Governor shall appoint three members of the  
 1365 panel and shall designate the chair. Each member of the panel

1366 shall serve a 1-year term, unless renewed by the office making  
 1367 the appointment. The panel shall make recommendations to the  
 1368 Legislature, to the Department of Education, to charter schools,  
 1369 and to school districts for improving charter school operations  
 1370 and oversight and for ensuring best business practices at and  
 1371 fair business relationships with charter schools.

1372 (b) The Legislature shall review the operation of charter  
 1373 schools during the 2010 ~~2005~~ Regular Session of the Legislature.

1374 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt  
 1375 of the annual report required by paragraph (9)(1), the  
 1376 Department of Education shall provide to the State Board of  
 1377 Education, the Commissioner of Education, the Governor, the  
 1378 President of the Senate, and the Speaker of the House of  
 1379 Representatives an analysis and comparison of the overall  
 1380 performance of charter school students, to include all students  
 1381 whose scores are counted as part of the statewide assessment  
 1382 program, versus comparable public school students in the  
 1383 district as determined by the statewide assessment program  
 1384 currently administered in the school district, and other  
 1385 assessments administered pursuant to s. 1008.22(3).

1386 (24) RULEMAKING.--The Department of Education, after  
 1387 consultation with school districts and charter school directors,  
 1388 shall recommend that the State Board of Education adopt rules to  
 1389 implement specific subsections of this section. Such rules shall  
 1390 require minimum paperwork and shall not limit charter school  
 1391 flexibility authorized by statute.

1392 Section 2. Subsection (5) of section 218.39, Florida  
 1393 Statutes, is amended to read:

1394 218.39 Annual financial audit reports.--

1395 (5) At the conclusion of the audit, the auditor shall  
 1396 discuss with the chair of each local governmental entity or the  
 1397 chair's designee, or with the elected official of each county  
 1398 agency or with the elected official's designee, or with the  
 1399 chair of the district school board or the chair's designee, or  
 1400 with the chair of the board of the charter school or the chair's  
 1401 designee, or with the chair of the charter technical career  
 1402 center or the chair's designee, as appropriate, all of the  
 1403 auditor's comments that will be included in the audit report. If  
 1404 the officer is not available to discuss the auditor's comments,  
 1405 their discussion is presumed when the comments are delivered in  
 1406 writing to his or her office. The auditor shall notify each  
 1407 member of the governing body of a local governmental entity, ~~or~~  
 1408 district school board, or charter school for which deteriorating  
 1409 financial conditions exist that may cause a condition described  
 1410 in s. 218.503(1) to occur if actions are not taken to address  
 1411 such conditions.

1412 Section 3. Section 218.50, Florida Statutes, is amended to  
 1413 read:

1414 218.50 Short title.--Sections 218.50-218.504 may be cited  
 1415 as the "Local Governmental Entity, Charter School, and District  
 1416 School Board Financial Emergencies Act."

1417 Section 4. Section 218.501, Florida Statutes, is amended  
 1418 to read:

1419 218.501 Purposes.--The purposes of ss. 218.50-218.504 are:

1420 (1) To promote the fiscal responsibility of local  
 1421 governmental entities, charter schools, and district school  
 1422 boards.

1423 (2) To assist local governmental entities, charter  
 1424 schools, and district school boards in providing essential  
 1425 services without interruption and in meeting their financial  
 1426 obligations.

1427 (3) To assist local governmental entities, charter  
 1428 schools, and district school boards through the improvement of  
 1429 local financial management procedures.

1430 Section 5. Subsections (1) and (2) of section 218.503,  
 1431 Florida Statutes, are amended, a new subsection (4) is added,  
 1432 and subsections (4) and (5) of that section are renumbered as  
 1433 subsections (5) and (6), respectively, to read:

1434 218.503 Determination of financial emergency.--

1435 (1) Local governmental entities, charter schools, and  
 1436 district school boards shall be subject to review and oversight  
 1437 by the Governor, charter school sponsor, or the Commissioner of  
 1438 Education, as appropriate, when any one of the following  
 1439 conditions occurs:

1440 (a) Failure within the same fiscal year in which due to  
 1441 pay short-term loans or failure to make bond debt service or  
 1442 other long-term debt payments when due, as a result of a lack of  
 1443 funds.

1444 (b) Failure to pay uncontested claims from creditors  
 1445 within 90 days after the claim is presented, as a result of a  
 1446 lack of funds.

1447 (c) Failure to transfer at the appropriate time, due to  
 1448 lack of funds:

1449 1. Taxes withheld on the income of employees; or

1450 2. Employer and employee contributions for:

1451 a. Federal social security; or

1452 b. Any pension, retirement, or benefit plan of an  
 1453 employee.

1454 (d) Failure for one pay period to pay, due to lack of  
 1455 funds:

1456 1. Wages and salaries owed to employees; or

1457 2. Retirement benefits owed to former employees.

1458 (e) An unreserved or total fund balance or retained  
 1459 earnings deficit, or unrestricted or total net assets deficit,  
 1460 as reported on the balance sheet or statement of net assets on  
 1461 the general purpose or fund financial statements, for which  
 1462 sufficient resources of the local governmental entity, as  
 1463 reported on the balance sheet or statement of net assets on the  
 1464 general purpose or fund financial statements, are not available  
 1465 to cover the deficit. Resources available to cover reported  
 1466 deficits include net assets that are not otherwise restricted by  
 1467 federal, state, or local laws, bond covenants, contractual  
 1468 agreements, or other legal constraints. Fixed or capital assets,  
 1469 the disposal of which would impair the ability of a local

1470 governmental entity to carry out its functions, are not  
 1471 considered resources available to cover reported deficits.

1472 (2) A local governmental entity shall notify the Governor  
 1473 and the Legislative Auditing Committee, a charter school shall  
 1474 notify the charter school sponsor and the Legislative Auditing  
 1475 Committee, and a district school board shall notify the  
 1476 Commissioner of Education and the Legislative Auditing  
 1477 Committee, when one or more of the conditions specified in  
 1478 subsection (1) have occurred or will occur if action is not  
 1479 taken to assist the local governmental entity, charter school,  
 1480 or district school board. In addition, any state agency must,  
 1481 within 30 days after a determination that one or more of the  
 1482 conditions specified in subsection (1) have occurred or will  
 1483 occur if action is not taken to assist the local governmental  
 1484 entity, charter school, or district school board, notify the  
 1485 Governor, charter school sponsor, or the Commissioner of  
 1486 Education, as appropriate, and the Legislative Auditing  
 1487 Committee.

1488 (4) Upon notification that one or more of the conditions  
 1489 in subsection (1) exist, the charter school sponsor or the  
 1490 sponsor's designee shall contact the charter school governing  
 1491 body to determine what actions have been taken by the charter  
 1492 school governing body to resolve the condition. The charter  
 1493 school sponsor has the authority to require and approve a  
 1494 financial recovery plan, to be prepared by the charter school  
 1495 governing body, prescribing actions that will cause the charter  
 1496 school to no longer be subject to this section. The Department



1497 of Education shall establish guidelines for developing such  
 1498 plans.

1499 Section 6. Subsection (1) of section 218.504, Florida  
 1500 Statutes, is amended to read:

1501 218.504 Cessation of state action.--The Governor or the  
 1502 Commissioner of Education, as appropriate, has the authority to  
 1503 terminate all state actions pursuant to ss. 218.50-218.504.

1504 Cessation of state action must not occur until the Governor or  
 1505 the Commissioner of Education, as appropriate, has determined  
 1506 that:

1507 (1) The local governmental entity, charter school, or  
 1508 district school board:

1509 (a) Has established and is operating an effective  
 1510 financial accounting and reporting system.

1511 (b) Has resolved the conditions outlined in s. 218.503(1).

1512 Section 7. Paragraph (e) of subsection (7) and subsection  
 1513 (8) of section 11.45, Florida Statutes, are amended to read:

1514 11.45 Definitions; duties; authorities; reports; rules.--

1515 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--

1516 (e) The Auditor General shall notify the Governor or the  
 1517 Commissioner of Education, as appropriate, and the Legislative  
 1518 Auditing Committee of any audit report reviewed by the Auditor  
 1519 General pursuant to paragraph (b) which contains a statement  
 1520 that a local governmental entity, charter school, or district  
 1521 school board has met one or more of the conditions specified in  
 1522 s. 218.503. If the Auditor General requests a clarification  
 1523 regarding information included in an audit report to determine

1524 whether a local governmental entity, charter school, or district  
 1525 school board has met one or more of the conditions specified in  
 1526 s. 218.503, the requested clarification must be provided within  
 1527 45 days after the date of the request. If the local governmental  
 1528 entity, charter school, or district school board does not comply  
 1529 with the Auditor General's request, the Auditor General shall  
 1530 notify the Legislative Auditing Committee. If, after obtaining  
 1531 the requested clarification, the Auditor General determines that  
 1532 the local governmental entity, charter school, or district  
 1533 school board has met one or more of the conditions specified in  
 1534 s. 218.503, he or she shall notify the Governor or the  
 1535 Commissioner of Education, as appropriate, and the Legislative  
 1536 Auditing Committee.

1537 (8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in  
 1538 consultation with the Board of Accountancy, shall adopt rules  
 1539 for the form and conduct of all financial audits performed by  
 1540 independent certified public accountants pursuant to ss.  
 1541 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for  
 1542 audits of local governmental entities, charter schools, and  
 1543 district school boards must include, but are not limited to,  
 1544 requirements for the reporting of information necessary to carry  
 1545 out the purposes of the Local Governmental Entity, Charter  
 1546 School, and District School Board Financial Emergencies Act as  
 1547 stated in s. 218.501.

1548 Section 8. Subsection (3) of section 1003.05, Florida  
 1549 Statutes, is amended to read:

1550           1003.05 Assistance to transitioning students from military  
1551 families.--

1552           (3) Dependent children of active duty military personnel  
1553 who otherwise meet the eligibility criteria for special academic  
1554 programs offered through public schools shall be given first  
1555 preference for admission to such programs even if the program is  
1556 being offered through a public school other than the school to  
1557 which the student would generally be assigned and the school at  
1558 which the program is being offered has reached its maximum  
1559 enrollment. If such a program is offered through a public school  
1560 other than the school to which the student would generally be  
1561 assigned, the parent or guardian of the student must assume  
1562 responsibility for transporting the student to that school. For  
1563 purposes of this subsection, special academic programs include  
1564 ~~charter schools~~, magnet schools, advanced studies programs,  
1565 advanced placement, dual enrollment, and International  
1566 Baccalaureate.

1567           Section 9. Except as otherwise expressly provided in this  
1568 act, this act shall take effect July 1, 2006.