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HB 7103, Engrossed 2

2006 Legislature

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

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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; amending s.
48 | 1011.71, F.S.; clarifying the use of funds generated
49 | through additional millage; providing an effective date.

50 |
51 | Be It Enacted by the Legislature of the State of Florida:

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

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55 1002.33 Charter schools.--
 56 (1) AUTHORIZATION.--Charter schools shall be part of the
 57 state's program of public education. All charter schools in
 58 Florida are public schools. A charter school may be formed by
 59 creating a new school or converting an existing public school to
 60 charter status. A public school may not use the term charter in
 61 its name unless it has been approved under this section.
 62 (2) GUIDING PRINCIPLES; PURPOSE.--
 63 (a) Charter schools in Florida shall be guided by the
 64 following principles:
 65 1. Meet high standards of student achievement while
 66 providing parents flexibility to choose among diverse
 67 educational opportunities within the state's public school
 68 system.
 69 2. Promote enhanced academic success and financial
 70 efficiency by aligning responsibility with accountability.
 71 3. Provide parents with sufficient information on whether
 72 their child is reading at grade level and whether the child
 73 gains at least a year's worth of learning for every year spent
 74 in the charter school.
 75 (b) Charter schools shall fulfill the following purposes:
 76 1. Improve student learning and academic achievement.
 77 2. Increase learning opportunities for all students, with
 78 special emphasis on low-performing students and reading.
 79 ~~3. Create new professional opportunities for teachers,~~
 80 ~~including ownership of the learning program at the school site.~~
 81 3.4. Encourage the use of innovative learning methods.

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82 | ~~4.5.~~ Require the measurement of learning outcomes.
 83 | (c) Charter schools may fulfill the following purposes:
 84 | 1. Create innovative measurement tools.
 85 | 2. Provide rigorous competition within the public school
 86 | district to stimulate continual improvement in all public
 87 | schools.
 88 | 3. Expand the capacity of the public school system.
 89 | 4. Mitigate the educational impact created by the
 90 | development of new residential dwelling units.
 91 | 5. Create new professional opportunities for teachers,
 92 | including ownership of the learning program at the school site.
 93 | (3) APPLICATION FOR CHARTER STATUS.--
 94 | (a) An application for a new charter school may be made by
 95 | an individual, teachers, parents, a group of individuals, a
 96 | municipality, or a legal entity organized under the laws of this
 97 | state.
 98 | (b) An application for a conversion charter school shall
 99 | be made by the district school board, the principal, teachers,
 100 | parents, and/or the school advisory council at an existing
 101 | public school that has been in operation for at least 2 years
 102 | prior to the application to convert.~~7, including~~ A public school-
 103 | within-a-school that is designated as a school by the district
 104 | school board may also submit an application to convert to
 105 | charter status. An application submitted proposing to convert an
 106 | existing public school to a charter school shall demonstrate the
 107 | support of at least 50 percent of the teachers employed at the
 108 | school and 50 percent of the parents voting whose children are

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

120 (4) UNLAWFUL REPRISAL.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

215 (5) SPONSOR; DUTIES.--

216 (a) Sponsoring entities.--

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

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

224 | (b) Sponsor duties.--

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

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

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

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

236 | 5. The sponsor shall ensure that the charter is innovative
 237 | and consistent with the state education goals established by s.
 238 | 1000.03(5).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

519

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

660 3. Violation of law.

661 4. Other good cause shown.

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

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

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

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

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

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

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

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

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

736 (9) CHARTER SCHOOL REQUIREMENTS.--

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

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

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

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

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

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

752 (g) A charter school shall provide for an annual financial
 753 audit in accordance with s. 218.39. Financial audits that reveal
 754 a state of financial emergency as defined in s. 218.503 and are
 755 conducted by a certified public accountant or auditor in
 756 accordance with s. 218.39 shall be provided to the governing
 757 body of the charter school within 7 working days after finding
 758 that a state of financial emergency exists. When a charter
 759 school is found to be in a state of financial emergency by a
 760 certified public accountant or auditor, the charter school must
 761 file a detailed financial recovery plan with the sponsor within
 762 30 days after receipt of the audit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

877 c. Reconstitute the charter school.

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

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

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

896 (10) ELIGIBLE STUDENTS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

972 (12) EMPLOYEES OF CHARTER SCHOOLS.--

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

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

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

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

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

1002 (f) Teachers employed by or under contract to a charter
1003 school shall be certified as required by chapter 1012. A charter
1004 school governing board may employ or contract with skilled
1005 selected noncertified personnel to provide instructional
1006 services or to assist instructional staff members as education
1007 paraprofessionals in the same manner as defined in chapter 1012,
1008 and as provided by State Board of Education rule for charter
1009 school governing boards. A charter school may not knowingly
1010 employ an individual to provide instructional services or to
1011 serve as an education paraprofessional if the individual's
1012 certification or licensure as an educator is suspended or
1013 revoked by this or any other state. A charter school may not
1014 knowingly employ an individual who has resigned from a school
1015 district in lieu of disciplinary action with respect to child
1016 welfare or safety, or who has been dismissed for just cause by

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1017 any school district with respect to child welfare or safety. The
 1018 qualifications of teachers shall be disclosed to parents.

1019 (g) A charter school shall employ or contract with
 1020 employees who have undergone background screening as provided in
 1021 s. 1012.32. Members of the governing board of the charter school
 1022 shall also undergo background screening in a manner similar to
 1023 that provided in s. 1012.32.

1024 (h) For the purposes of tort liability, the governing body
 1025 and employees of a charter school shall be governed by s.
 1026 768.28.

1027 (i) A charter school shall organize as, or be operated by,
 1028 a nonprofit organization. A charter school may be operated by a
 1029 municipality or other public entity as provided for by law. As
 1030 such, the charter school may be either a private or a public
 1031 employer. As a public employer, a charter school may participate
 1032 in the Florida Retirement System upon application and approval
 1033 as a "covered group" under s. 121.021(34). If a charter school
 1034 participates in the Florida Retirement System, the charter
 1035 school employees shall be compulsory members of the Florida
 1036 Retirement System. As either a private or a public employer, a
 1037 charter school may contract for services with an individual or
 1038 group of individuals who are organized as a partnership or a
 1039 cooperative. Individuals or groups of individuals who contract
 1040 their services to the charter school are not public employees.

1041 (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may
 1042 enter into cooperative agreements to form charter school
 1043 cooperative organizations that may provide the following

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1044 services: charter school planning and development, direct
 1045 instructional services, and contracts with charter school
 1046 governing boards to provide personnel administrative services,
 1047 payroll services, human resource management, evaluation and
 1048 assessment services, teacher preparation, and professional
 1049 development.

1050 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
 1051 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
 1052 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to
 1053 borrow or otherwise secure funds for a charter school authorized
 1054 in this section from a source other than the state or a school
 1055 district shall indemnify the state and the school district from
 1056 any and all liability, including, but not limited to, financial
 1057 responsibility for the payment of the principal or interest. Any
 1058 loans, bonds, or other financial agreements are not obligations
 1059 of the state or the school district but are obligations of the
 1060 charter school authority and are payable solely from the sources
 1061 of funds pledged by such agreement. The credit or taxing power
 1062 of the state or the school district shall not be pledged and no
 1063 debts shall be payable out of any moneys except those of the
 1064 legal entity in possession of a valid charter approved by a
 1065 district school board pursuant to this section.

1066 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
 1067 A-MUNICIPALITY.--

1068 (a) In order to increase business partnerships in
 1069 education, to reduce school and classroom overcrowding
 1070 throughout the state, and to offset the high costs for

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1071 educational facilities construction, the Legislature intends to
1072 encourage the formation of business partnership schools or
1073 satellite learning centers and municipal-operated schools
1074 through charter school status.

1075 (b) A charter school-in-the-workplace may be established
1076 when a business partner provides the school facility to be used;
1077 enrolls students based upon a random lottery that involves all
1078 of the children of employees of that business or corporation who
1079 are seeking enrollment, as provided for in subsection (10); and
1080 enrolls students according to the racial/ethnic balance
1081 provisions described in subparagraph (7)(a)8. Any portion of a
1082 facility used for a public charter school shall be exempt from
1083 ad valorem taxes, as provided for in s. 1013.54, for the
1084 duration of its use as a public school.

1085 (c) A charter school-in-a-municipality designation may be
1086 granted to a municipality that possesses a charter; enrolls
1087 students based upon a random lottery that involves all of the
1088 children of the residents of that municipality who are seeking
1089 enrollment, as provided for in subsection (10); and enrolls
1090 students according to the racial/ethnic balance provisions
1091 described in subparagraph (7)(a)8. When a municipality has
1092 submitted charter applications for the establishment of a
1093 charter school feeder pattern, consisting of elementary, middle,
1094 and senior high schools, and each individual charter application
1095 is approved by the district school board, such schools shall
1096 then be designated as one charter school for all purposes listed
1097 pursuant to this section. Any portion of the land and facility

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1098 | used for a public charter school shall be exempt from ad valorem
 1099 | taxes, as provided for in s. 1013.54, for the duration of its
 1100 | use as a public school.

1101 | (d) As used in this subsection, the terms "business
 1102 | partner" or "municipality" may include more than one business or
 1103 | municipality to form a charter school-in-the-workplace or
 1104 | charter school-in-a-municipality.

1105 | (16) EXEMPTION FROM STATUTES.--

1106 | (a) A charter school shall operate in accordance with its
 1107 | charter and shall be exempt from all statutes in chapters 1000-
 1108 | 1013. However, a charter school shall be in compliance with the
 1109 | following statutes in chapters 1000-1013:

1110 | 1. Those statutes specifically applying to charter
 1111 | schools, including this section.

1112 | 2. Those statutes pertaining to the student assessment
 1113 | program and school grading system.

1114 | 3. Those statutes pertaining to the provision of services
 1115 | to students with disabilities.

1116 | 4. Those statutes pertaining to civil rights, including s.
 1117 | 1000.05, relating to discrimination.

1118 | 5. Those statutes pertaining to student health, safety,
 1119 | and welfare.

1120 | (b) Additionally, a charter school shall be in compliance
 1121 | with the following statutes:

1122 | 1. Section 286.011, relating to public meetings and
 1123 | records, public inspection, and criminal and civil penalties.

1124 | 2. Chapter 119, relating to public records.

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1125 (17) FUNDING.--Students enrolled in a charter school,
 1126 regardless of the sponsorship, shall be funded as if they are in
 1127 a basic program or a special program, the same as students
 1128 enrolled in other public schools in the school district. Funding
 1129 for a charter lab school shall be as provided in s. 1002.32.

1130 (a) Each charter school shall report its student
 1131 enrollment to the district school board as required in s.
 1132 1011.62, and in accordance with the definitions in s. 1011.61.
 1133 The district school board shall include each charter school's
 1134 enrollment in the district's report of student enrollment. All
 1135 charter schools submitting student record information required
 1136 by the Department of Education shall comply with the Department
 1137 of Education's guidelines for electronic data formats for such
 1138 data, and all districts shall accept electronic data that
 1139 complies with the Department of Education's electronic format.

1140 (b) The basis for the agreement for funding students
 1141 enrolled in a charter school shall be the sum of the school
 1142 district's operating funds from the Florida Education Finance
 1143 Program as provided in s. 1011.62 and the General Appropriations
 1144 Act, including gross state and local funds, discretionary
 1145 lottery funds, and funds from the school district's current
 1146 operating discretionary millage levy; divided by total funded
 1147 weighted full-time equivalent students in the school district;
 1148 multiplied by the weighted full-time equivalent students for the
 1149 charter school. Charter schools whose students or programs meet
 1150 the eligibility criteria in law shall be entitled to their
 1151 proportionate share of categorical program funds included in the

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1152 total funds available in the Florida Education Finance Program
1153 by the Legislature, including transportation. Total funding for
1154 each charter school shall be recalculated during the year to
1155 reflect the revised calculations under the Florida Education
1156 Finance Program by the state and the actual weighted full-time
1157 equivalent students reported by the charter school during the
1158 full-time equivalent student survey periods designated by the
1159 Commissioner of Education.

1160 (c) If the district school board is providing programs or
1161 services to students funded by federal funds, any eligible
1162 students enrolled in charter schools in the school district
1163 shall be provided federal funds for the same level of service
1164 provided students in the schools operated by the district school
1165 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all
1166 charter schools shall receive all federal funding for which the
1167 school is otherwise eligible, including Title I funding, not
1168 later than 5 months after the charter school first opens and
1169 within 5 months after any subsequent expansion of enrollment.

1170 (d) District school boards shall make ~~every effort to~~
1171 ~~ensure that charter schools receive~~ timely and efficient payment
1172 and reimbursement to charter schools, including processing
1173 paperwork required to access special state and federal funding
1174 for which they may be eligible. The district school board may
1175 distribute funds to a charter school for up to 3 months based on
1176 the projected full-time equivalent student membership of the
1177 charter school. Thereafter, the results of full-time equivalent
1178 student membership surveys shall be used in adjusting the amount

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1179 of funds distributed monthly to the charter school for the
 1180 remainder of the fiscal year. The payment shall be issued no
 1181 later than 10 working days after the district school board
 1182 receives a distribution of state or federal funds. If a warrant
 1183 for payment is not issued within 10 ~~30~~ working days after
 1184 receipt of funding by the district school board, the school
 1185 district shall pay to the charter school, in addition to the
 1186 amount of the scheduled disbursement, interest at a rate of 1
 1187 percent per month calculated on a daily basis on the unpaid
 1188 balance from the expiration of the 10 working days ~~30-day period~~
 1189 until such time as the warrant is issued.

1190 (18) FACILITIES.--

1191 (a) A startup charter school shall utilize facilities
 1192 which comply with the Florida Building Code pursuant to chapter
 1193 553 except for the State Requirements for Educational
 1194 Facilities. Conversion charter schools shall utilize facilities
 1195 that comply with the State Requirements for Educational
 1196 Facilities provided that the school district and the charter
 1197 school have entered into a mutual management plan for the
 1198 reasonable maintenance of such facilities. The mutual management
 1199 plan shall contain a provision by which the district school
 1200 board agrees to maintain charter school facilities in the same
 1201 manner as its other public schools within the district. Charter
 1202 schools, with the exception of conversion charter schools, are
 1203 not required to comply, but may choose to comply, with the State
 1204 Requirements for Educational Facilities of the Florida Building
 1205 Code adopted pursuant to s. 1013.37. The local governing

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1206 authority shall not adopt or impose local building requirements
 1207 or restrictions that are more stringent than those found in the
 1208 Florida Building Code. The agency having jurisdiction for
 1209 inspection of a facility and issuance of a certificate of
 1210 occupancy shall be the local municipality or, if in an
 1211 unincorporated area, the county governing authority.

1212 (b) A charter school shall utilize facilities that comply
 1213 with the Florida Fire Prevention Code, pursuant to s. 633.025,
 1214 as adopted by the authority in whose jurisdiction the facility
 1215 is located as provided in paragraph (a).

1216 (c) Any facility, or portion thereof, used to house a
 1217 charter school whose charter has been approved by the sponsor
 1218 and the governing board, pursuant to subsection (7), shall be
 1219 exempt from ad valorem taxes pursuant to s. 196.1983. Library,
 1220 community service, museum, performing arts, theatre, cinema,
 1221 church, community college, college, and university facilities
 1222 may provide space to charter schools within their facilities
 1223 under their preexisting zoning and land use designations.

1224 (d) Charter school facilities are exempt from assessments
 1225 of fees for building permits, except as provided in s. 553.80,
 1226 fees and for building and occupational licenses, and ~~from~~
 1227 ~~assessments of~~ impact fees or service availability fees.

1228 (e) If a district school board facility or property is
 1229 available because it is surplus, marked for disposal, or
 1230 otherwise unused, it shall be provided for a charter school's
 1231 use on the same basis as it is made available to other public
 1232 schools in the district. A charter school receiving property

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1233 | from the school district may not sell or dispose of such
1234 | property without written permission of the school district.
1235 | Similarly, for an existing public school converting to charter
1236 | status, no rental or leasing fee for the existing facility or
1237 | for the property normally inventoried to the conversion school
1238 | may be charged by the district school board to the parents and
1239 | teachers organizing the charter school. The charter school
1240 | ~~organizers~~ shall agree to reasonable maintenance provisions in
1241 | order to maintain the facility in a manner similar to district
1242 | school board standards. The Public Education Capital Outlay
1243 | maintenance funds or any other maintenance funds generated by
1244 | the facility operated as a conversion school shall remain with
1245 | the conversion school.

1246 | (f) To the extent that charter school facilities are
1247 | specifically created to mitigate the educational impact created
1248 | by the development of new residential dwelling units, pursuant
1249 | to subparagraph (2)(c)4., some of or all of the educational
1250 | impact fees required to be paid in connection with the new
1251 | residential dwelling units may be designated instead for the
1252 | construction of the charter school facilities that will mitigate
1253 | the student station impact. Such facilities shall be built to
1254 | the State Requirements for Educational Facilities and shall be
1255 | owned by a public or nonprofit entity. The local school district
1256 | retains the right to monitor and inspect such facilities to
1257 | ensure compliance with the State Requirements for Educational
1258 | Facilities. If a facility ceases to be used for public
1259 | educational purposes, either the facility shall revert to the

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1260 school district subject to any debt owed on the facility, or the
1261 owner of the facility shall have the option to refund all
1262 educational impact fees utilized for the facility to the school
1263 district. The district and the owner of the facility may
1264 contractually agree to another arrangement for the facilities if
1265 the facilities cease to be used for educational purposes. The
1266 owner of property planned or approved for new residential
1267 dwelling units and the entity levying educational impact fees
1268 shall enter into an agreement that designates the educational
1269 impact fees that will be allocated for the charter school
1270 student stations and that ensures the timely construction of the
1271 charter school student stations concurrent with the expected
1272 occupancy of the residential units. The application for use of
1273 educational impact fees shall include an approved charter school
1274 application. To assist the school district in forecasting
1275 student station needs, the entity levying the impact fees shall
1276 notify the affected district of any agreements it has approved
1277 for the purpose of mitigating student station impact from the
1278 new residential dwelling units.

1279 (g) Each school district shall annually provide to the
1280 Department of Education as part of its 5-year work plan the
1281 number of existing vacant classrooms in each school that the
1282 district does not intend to use or does not project will be
1283 needed for educational purposes for the following school year.
1284 The department may recommend that a district make such space
1285 available to an appropriate charter school.

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1286 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible
 1287 for capital outlay funds pursuant to s. 1013.62.

1288 (20) SERVICES.--

1289 (a) A sponsor shall provide certain administrative and
 1290 educational services to charter schools. These services shall
 1291 include contract management services; full-time equivalent and
 1292 data reporting services; exceptional student education
 1293 administration services; services related to eligibility and
 1294 reporting duties required to ensure that school lunch services
 1295 under the federal lunch program, consistent with the needs of
 1296 the charter school, are provided by the school district at the
 1297 request of the charter school; test administration services,
 1298 including payment of the costs of state-required or district-
 1299 required student assessments; processing of teacher certificate
 1300 data services; and information services, including equal access
 1301 to student information systems that are used by public schools
 1302 in the district in which the charter school is located. Student
 1303 performance data for each student in a charter school,
 1304 including, but not limited to, FCAT scores, standardized test
 1305 scores, previous public school student report cards, and student
 1306 performance measures, shall be provided by the sponsor to a
 1307 charter school in the same manner provided to other public
 1308 schools in the district. A total administrative fee for the
 1309 provision of such services shall be calculated based upon up to
 1310 5 percent of the available funds defined in paragraph (17)(b)
 1311 for all students. However, a sponsor may only withhold up to a
 1312 5-percent administrative fee for enrollment for up to and

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1313 including 500 students. For charter schools with a population of
1314 501 or more students, the difference between the total
1315 administrative fee calculation and the amount of the
1316 administrative fee withheld may only be used for capital outlay
1317 purposes specified in s. 1013.62(2). Sponsors shall not charge
1318 charter schools any additional fees or surcharges for
1319 administrative and educational services in addition to the
1320 maximum 5-percent administrative fee withheld pursuant to this
1321 paragraph.

1322 (b) If goods and services are made available to the
1323 charter school through the contract with the school district,
1324 they shall be provided to the charter school at a rate no
1325 greater than the district's actual cost unless mutually agreed
1326 upon by the charter school and the sponsor in a contract
1327 negotiated separately from the charter. When mediation has
1328 failed to resolve disputes over contracted services or
1329 contractual matters not included in the charter, an appeal may
1330 be made for a dispute resolution hearing before the Charter
1331 School Appeal Commission. To maximize the use of state funds,
1332 school districts shall allow charter schools to participate in
1333 the sponsor's bulk purchasing program if applicable.

1334 (c) Transportation of charter school students shall be
1335 provided by the charter school consistent with the requirements
1336 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1337 body of the charter school may provide transportation through an
1338 agreement or contract with the district school board, a private
1339 provider, or parents. The charter school and the sponsor shall

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1340 cooperate in making arrangements that ensure that transportation
 1341 is not a barrier to equal access for all students residing
 1342 within a reasonable distance of the charter school as determined
 1343 in its charter.

1344 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
 1345 Department of Education shall provide information to the public,
 1346 directly and through sponsors, both on how to form and operate a
 1347 charter school and on how to enroll in charter schools once they
 1348 are created. This information shall include a standard
 1349 application format, charter format, and charter renewal format
 1350 which shall include the information specified in subsection (7)
 1351 and shall be developed by consulting and negotiating with both
 1352 school districts and charter schools before implementation.
 1353 These formats shall ~~This application format may be used as~~
 1354 guidelines by charter school sponsors ~~chartering entities.~~

1355 (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--

1356 (a) The Department of Education shall staff and regularly
 1357 convene a Charter School Review Panel in order to review issues,
 1358 practices, and policies regarding charter schools. The
 1359 composition of the review panel shall include individuals with
 1360 experience in finance, administration, law, education, and
 1361 school governance, and individuals familiar with charter school
 1362 construction and operation. The panel shall include two
 1363 appointees each from the Commissioner of Education, the
 1364 President of the Senate, and the Speaker of the House of
 1365 Representatives. The Governor shall appoint three members of the
 1366 panel and shall designate the chair. Each member of the panel

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1367 shall serve a 1-year term, unless renewed by the office making
1368 the appointment. The panel shall make recommendations to the
1369 Legislature, to the Department of Education, to charter schools,
1370 and to school districts for improving charter school operations
1371 and oversight and for ensuring best business practices at and
1372 fair business relationships with charter schools.

1373 (b) The Legislature shall review the operation of charter
1374 schools during the 2010 ~~2005~~ Regular Session of the Legislature.

1375 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt
1376 of the annual report required by paragraph (9)(1), the
1377 Department of Education shall provide to the State Board of
1378 Education, the Commissioner of Education, the Governor, the
1379 President of the Senate, and the Speaker of the House of
1380 Representatives an analysis and comparison of the overall
1381 performance of charter school students, to include all students
1382 whose scores are counted as part of the statewide assessment
1383 program, versus comparable public school students in the
1384 district as determined by the statewide assessment program
1385 currently administered in the school district, and other
1386 assessments administered pursuant to s. 1008.22(3).

1387 (24) RULEMAKING.--The Department of Education, after
1388 consultation with school districts and charter school directors,
1389 shall recommend that the State Board of Education adopt rules to
1390 implement specific subsections of this section. Such rules shall
1391 require minimum paperwork and shall not limit charter school
1392 flexibility authorized by statute.

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1393 Section 2. Subsection (5) of section 218.39, Florida
 1394 Statutes, is amended to read:
 1395 218.39 Annual financial audit reports.--
 1396 (5) At the conclusion of the audit, the auditor shall
 1397 discuss with the chair of each local governmental entity or the
 1398 chair's designee, or with the elected official of each county
 1399 agency or with the elected official's designee, or with the
 1400 chair of the district school board or the chair's designee, or
 1401 with the chair of the board of the charter school or the chair's
 1402 designee, or with the chair of the charter technical career
 1403 center or the chair's designee, as appropriate, all of the
 1404 auditor's comments that will be included in the audit report. If
 1405 the officer is not available to discuss the auditor's comments,
 1406 their discussion is presumed when the comments are delivered in
 1407 writing to his or her office. The auditor shall notify each
 1408 member of the governing body of a local governmental entity, ~~or~~
 1409 district school board, or charter school for which deteriorating
 1410 financial conditions exist that may cause a condition described
 1411 in s. 218.503(1) to occur if actions are not taken to address
 1412 such conditions.

1413 Section 3. Section 218.50, Florida Statutes, is amended to
 1414 read:
 1415 218.50 Short title.--Sections 218.50-218.504 may be cited
 1416 as the "Local Governmental Entity, Charter School, and District
 1417 School Board Financial Emergencies Act."

1418 Section 4. Section 218.501, Florida Statutes, is amended
 1419 to read:

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1420 218.501 Purposes.--The purposes of ss. 218.50-218.504 are:

1421 (1) To promote the fiscal responsibility of local
 1422 governmental entities, charter schools, and district school
 1423 boards.

1424 (2) To assist local governmental entities, charter
 1425 schools, and district school boards in providing essential
 1426 services without interruption and in meeting their financial
 1427 obligations.

1428 (3) To assist local governmental entities, charter
 1429 schools, and district school boards through the improvement of
 1430 local financial management procedures.

1431 Section 5. Subsections (1) and (2) of section 218.503,
 1432 Florida Statutes, are amended, a new subsection (4) is added,
 1433 and subsections (4) and (5) of that section are renumbered as
 1434 subsections (5) and (6), respectively, to read:

1435 218.503 Determination of financial emergency.--

1436 (1) Local governmental entities, charter schools, and
 1437 district school boards shall be subject to review and oversight
 1438 by the Governor, charter school sponsor, or the Commissioner of
 1439 Education, as appropriate, when any one of the following
 1440 conditions occurs:

1441 (a) Failure within the same fiscal year in which due to
 1442 pay short-term loans or failure to make bond debt service or
 1443 other long-term debt payments when due, as a result of a lack of
 1444 funds.

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1445 (b) Failure to pay uncontested claims from creditors
 1446 within 90 days after the claim is presented, as a result of a
 1447 lack of funds.

1448 (c) Failure to transfer at the appropriate time, due to
 1449 lack of funds:

1450 1. Taxes withheld on the income of employees; or

1451 2. Employer and employee contributions for:

1452 a. Federal social security; or

1453 b. Any pension, retirement, or benefit plan of an
 1454 employee.

1455 (d) Failure for one pay period to pay, due to lack of
 1456 funds:

1457 1. Wages and salaries owed to employees; or

1458 2. Retirement benefits owed to former employees.

1459 (e) An unreserved or total fund balance or retained
 1460 earnings deficit, or unrestricted or total net assets deficit,
 1461 as reported on the balance sheet or statement of net assets on
 1462 the general purpose or fund financial statements, for which
 1463 sufficient resources of the local governmental entity, as
 1464 reported on the balance sheet or statement of net assets on the
 1465 general purpose or fund financial statements, are not available
 1466 to cover the deficit. Resources available to cover reported
 1467 deficits include net assets that are not otherwise restricted by
 1468 federal, state, or local laws, bond covenants, contractual
 1469 agreements, or other legal constraints. Fixed or capital assets,
 1470 the disposal of which would impair the ability of a local

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1471 governmental entity to carry out its functions, are not
 1472 considered resources available to cover reported deficits.

1473 (2) A local governmental entity shall notify the Governor
 1474 and the Legislative Auditing Committee, a charter school shall
 1475 notify the charter school sponsor and the Legislative Auditing
 1476 Committee, and a district school board shall notify the
 1477 Commissioner of Education and the Legislative Auditing
 1478 Committee, when one or more of the conditions specified in
 1479 subsection (1) have occurred or will occur if action is not
 1480 taken to assist the local governmental entity, charter school,
 1481 or district school board. In addition, any state agency must,
 1482 within 30 days after a determination that one or more of the
 1483 conditions specified in subsection (1) have occurred or will
 1484 occur if action is not taken to assist the local governmental
 1485 entity, charter school, or district school board, notify the
 1486 Governor, charter school sponsor, or the Commissioner of
 1487 Education, as appropriate, and the Legislative Auditing
 1488 Committee.

1489 (4) Upon notification that one or more of the conditions
 1490 in subsection (1) exist, the charter school sponsor or the
 1491 sponsor's designee shall contact the charter school governing
 1492 body to determine what actions have been taken by the charter
 1493 school governing body to resolve the condition. The charter
 1494 school sponsor has the authority to require and approve a
 1495 financial recovery plan, to be prepared by the charter school
 1496 governing body, prescribing actions that will cause the charter
 1497 school to no longer be subject to this section. The Department

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1498 of Education shall establish guidelines for developing such
 1499 plans.

1500 Section 6. Subsection (1) of section 218.504, Florida
 1501 Statutes, is amended to read:

1502 218.504 Cessation of state action.--The Governor or the
 1503 Commissioner of Education, as appropriate, has the authority to
 1504 terminate all state actions pursuant to ss. 218.50-218.504.

1505 Cessation of state action must not occur until the Governor or
 1506 the Commissioner of Education, as appropriate, has determined
 1507 that:

1508 (1) The local governmental entity, charter school, or
 1509 district school board:

1510 (a) Has established and is operating an effective
 1511 financial accounting and reporting system.

1512 (b) Has resolved the conditions outlined in s. 218.503(1).

1513 Section 7. Paragraph (e) of subsection (7) and subsection
 1514 (8) of section 11.45, Florida Statutes, are amended to read:

1515 11.45 Definitions; duties; authorities; reports; rules.--

1516 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--

1517 (e) The Auditor General shall notify the Governor or the
 1518 Commissioner of Education, as appropriate, and the Legislative
 1519 Auditing Committee of any audit report reviewed by the Auditor
 1520 General pursuant to paragraph (b) which contains a statement
 1521 that a local governmental entity, charter school, or district
 1522 school board has met one or more of the conditions specified in
 1523 s. 218.503. If the Auditor General requests a clarification
 1524 regarding information included in an audit report to determine

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1525 whether a local governmental entity, charter school, or district
 1526 school board has met one or more of the conditions specified in
 1527 s. 218.503, the requested clarification must be provided within
 1528 45 days after the date of the request. If the local governmental
 1529 entity, charter school, or district school board does not comply
 1530 with the Auditor General's request, the Auditor General shall
 1531 notify the Legislative Auditing Committee. If, after obtaining
 1532 the requested clarification, the Auditor General determines that
 1533 the local governmental entity, charter school, or district
 1534 school board has met one or more of the conditions specified in
 1535 s. 218.503, he or she shall notify the Governor or the
 1536 Commissioner of Education, as appropriate, and the Legislative
 1537 Auditing Committee.

1538 (8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in
 1539 consultation with the Board of Accountancy, shall adopt rules
 1540 for the form and conduct of all financial audits performed by
 1541 independent certified public accountants pursuant to ss.
 1542 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for
 1543 audits of local governmental entities, charter schools, and
 1544 district school boards must include, but are not limited to,
 1545 requirements for the reporting of information necessary to carry
 1546 out the purposes of the Local Governmental Entity, Charter
 1547 School, and District School Board Financial Emergencies Act as
 1548 stated in s. 218.501.

1549 Section 8. Subsection (3) of section 1003.05, Florida
 1550 Statutes, is amended to read:

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1551 1003.05 Assistance to transitioning students from military
 1552 families.--

1553 (3) Dependent children of active duty military personnel
 1554 who otherwise meet the eligibility criteria for special academic
 1555 programs offered through public schools shall be given first
 1556 preference for admission to such programs even if the program is
 1557 being offered through a public school other than the school to
 1558 which the student would generally be assigned and the school at
 1559 which the program is being offered has reached its maximum
 1560 enrollment. If such a program is offered through a public school
 1561 other than the school to which the student would generally be
 1562 assigned, the parent or guardian of the student must assume
 1563 responsibility for transporting the student to that school. For
 1564 purposes of this subsection, special academic programs include
 1565 ~~charter schools~~, magnet schools, advanced studies programs,
 1566 advanced placement, dual enrollment, and International
 1567 Baccalaureate.

1568 Section 9. Subsection (2) of section 1011.71, Florida
 1569 Statutes, is amended to read:

1570 1011.71 District school tax.--

1571 (2) In addition to the maximum millage levy as provided in
 1572 subsection (1), each school board may levy not more than 2 mills
 1573 against the taxable value for school purposes for district
 1574 schools, including charter schools at the discretion of the
 1575 school board, to fund:

1576 (a) New construction and remodeling projects, as set forth
 1577 in s. 1013.64(3)(b) and (6)(b) and included in the district's

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1578 educational plant survey pursuant to s. 1013.31, without regard
 1579 to prioritization, sites and site improvement or expansion to
 1580 new sites, existing sites, auxiliary facilities, athletic
 1581 facilities, or ancillary facilities.

1582 (b) Maintenance, renovation, and repair of existing school
 1583 plants or of leased facilities to correct deficiencies pursuant
 1584 to s. 1013.15(2).

1585 (c) The purchase, lease-purchase, or lease of school
 1586 buses; drivers' education vehicles; motor vehicles used for the
 1587 maintenance or operation of plants and equipment; security
 1588 vehicles; or vehicles used in storing or distributing materials
 1589 and equipment.

1590 (d) The purchase, lease-purchase, or lease of new and
 1591 replacement equipment.

1592 (e) Payments for educational facilities and sites due
 1593 under a lease-purchase agreement entered into by a district
 1594 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
 1595 exceeding, in the aggregate, an amount equal to three-fourths of
 1596 the proceeds from the millage levied by a district school board
 1597 pursuant to this subsection.

1598 (f) Payment of loans approved pursuant to ss. 1011.14 and
 1599 1011.15.

1600 (g) Payment of costs directly related to complying with
 1601 state and federal environmental statutes, rules, and regulations
 1602 governing school facilities.

1603 (h) Payment of costs of leasing relocatable educational
 1604 facilities, of renting or leasing educational facilities and

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1605 sites pursuant to s. 1013.15(2), or of renting or leasing
 1606 buildings or space within existing buildings pursuant to s.
 1607 1013.15(4).

1608 (i) Payment of the cost of school buses when a school
 1609 district contracts with a private entity to provide student
 1610 transportation services if the district meets the requirements
 1611 of this paragraph.

1612 1. The district's contract must require that the private
 1613 entity purchase, lease-purchase, or lease, and operate and
 1614 maintain, one or more school buses of a specific type and size
 1615 that meet the requirements of s. 1006.25.

1616 2. Each such school bus must be used for the daily
 1617 transportation of public school students in the manner required
 1618 by the school district.

1619 3. Annual payment for each such school bus may not exceed
 1620 10 percent of the purchase price of the state pool bid.

1621 4. The proposed expenditure of the funds for this purpose
 1622 must have been included in the district school board's notice of
 1623 proposed tax for school capital outlay as provided in s.
 1624 200.065(9).

1625
 1626 Violations of these expenditure provisions shall result in an
 1627 equal dollar reduction in the Florida Education Finance Program
 1628 (FEFP) funds for the violating district in the fiscal year
 1629 following the audit citation.

1630 Section 10. This act shall take effect July 1, 2006.