

CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to charter schools; amending s. 1002.33,  
7 F.S.; revising charter school purposes; revising the  
8 charter school application process including review,  
9 approval or denial, and appeal; modifying duties of  
10 sponsors; limiting liability of sponsors; requiring an  
11 annual survey of charter school governing boards;  
12 requiring the Department of Education to provide technical  
13 assistance to charter school applicants; revising  
14 provisions relating to a charter agreement, term, and  
15 renewal; providing procedures when a state of financial  
16 emergency exists; revising causes for nonrenewal or  
17 termination of a charter; requiring the department to  
18 maintain a database of charter school applicants and  
19 contract operators; revising provisions relating to  
20 payment and reimbursement to a charter school by a school  
21 district; authorizing the State Board of Education to  
22 impose a fine on or withhold lottery funds from a school  
23 district for certain violations; requiring conversion

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24 charter schools to comply with certain facility  
25 requirements under specific situations; authorizing  
26 certain zoning and land use designations for certain  
27 charter school facilities; revising exemption from  
28 assessment of fees; providing for additional services to  
29 charter schools and revising administrative fee  
30 requirements; requiring the department to develop a  
31 standard format for applications, charters, and charter  
32 renewals; deleting a provision requiring a review of  
33 charter schools in 2005 by the Legislature; amending s.  
34 218.39, F.S.; requiring that a charter school be notified  
35 of certain deteriorating financial conditions; amending s.  
36 218.50, F.S.; modifying a short title; amending s.  
37 218.501, F.S.; including charter schools in the statement  
38 of purpose relating to financial management; amending s.  
39 218.503, F.S.; providing for charter schools to be subject  
40 to provisions governing financial emergencies; providing  
41 procedures; amending s. 218.504, F.S.; providing for  
42 cessation of state action related to a state of financial  
43 emergency; amending s. 11.45, F.S.; conforming provisions;  
44 amending s. 166.271, F.S.; correcting cross references;  
45 amending s. 1002.32, F.S.; providing that a charter lab  
46 school that elects to provide student transportation is  
47 eligible for funding for that purpose; amending s.  
48 1003.05, F.S.; modifying the list of special academic  
49 programs for transitioning students from military  
50 families; amending s. 1012.74, F.S.; providing that  
51 educator professional liability insurance shall cover

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52 | charter school personnel; amending s. 1013.62, F.S.;

53 | revising provisions relating to eligibility for and

54 | allocation of charter school capital outlay funding;

55 | revising purposes for which capital outlay funds may be

56 | used; establishing the Charter School Task Force;

57 | specifying task force duties and composition; requiring

58 | the Department of Education to provide staff support for

59 | the task force; providing effective dates.

60 |

61 | Be It Enacted by the Legislature of the State of Florida:

62 |

63 | Section 1. Section 1002.33, Florida Statutes, is amended

64 | to read:

65 | 1002.33 Charter schools.--

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

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

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

69 | creating a new school or converting an existing public school to

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

71 | its name unless it has been approved under this section.

72 | (2) GUIDING PRINCIPLES; PURPOSE.--

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

74 | following principles:

75 | 1. Meet high standards of student achievement while

76 | providing parents flexibility to choose among diverse

77 | educational opportunities within the state's public school

78 | system.

79           2. Promote enhanced academic success and financial  
80 efficiency by aligning responsibility with accountability.

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

85           (b) Charter schools shall fulfill one of the following  
86 purposes:

87           1. Improve student learning and academic achievement.

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

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

92           ~~4. Encourage the use of innovative learning methods.~~

93           ~~5. Require the measurement of learning outcomes.~~

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

95           1. Create innovative measurement tools.

96           2. Provide rigorous competition within the public school  
97 district to stimulate continual improvement in all public  
98 schools.

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

100           4. Mitigate the educational impact created by the  
101 development of new residential dwelling units.

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

104           6. Encourage the use of innovative learning methods.

105           7. Require the measurement of learning outcomes.

106           (3) APPLICATION FOR CHARTER STATUS.--

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

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

133 (4) UNLAWFUL REPRISAL.--

134 (a) No district school board, or district school board  
 135 employee who has control over personnel actions, shall take  
 136 unlawful reprisal against another district school board employee  
 137 because that employee is either directly or indirectly involved  
 138 with an application to establish a charter school. As used in  
 139 this subsection, the term "unlawful reprisal" means an action  
 140 taken by a district school board or a school system employee  
 141 against an employee who is directly or indirectly involved in a  
 142 lawful application to establish a charter school, which occurs  
 143 as a direct result of that involvement, and which results in one  
 144 or more of the following: disciplinary or corrective action;  
 145 adverse transfer or reassignment, whether temporary or  
 146 permanent; suspension, demotion, or dismissal; an unfavorable  
 147 performance evaluation; a reduction in pay, benefits, or  
 148 rewards; elimination of the employee's position absent of a  
 149 reduction in workforce as a result of lack of moneys or work; or  
 150 other adverse significant changes in duties or responsibilities  
 151 that are inconsistent with the employee's salary or employment  
 152 classification. The following procedures shall apply to an  
 153 alleged unlawful reprisal that occurs as a consequence of an  
 154 employee's direct or indirect involvement with an application to  
 155 establish a charter school:

- 156 1. Within 60 days after the date upon which a reprisal  
 157 prohibited by this subsection is alleged to have occurred, an  
 158 employee may file a complaint with the Department of Education.
- 159 2. Within 3 working days after receiving a complaint under  
 160 this section, the Department of Education shall acknowledge  
 161 receipt of the complaint and provide copies of the complaint and

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162 any other relevant preliminary information available to each of  
163 the other parties named in the complaint, which parties shall  
164 each acknowledge receipt of such copies to the complainant.

165 3. If the Department of Education determines that the  
166 complaint demonstrates reasonable cause to suspect that an  
167 unlawful reprisal has occurred, the Department of Education  
168 shall conduct an investigation to produce a fact-finding report.

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

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

189           6. The Department of Education shall either contract with  
 190 the Division of Administrative Hearings under s. 120.65, or  
 191 otherwise provide for a complaint for which the Department of  
 192 Education determines reasonable grounds exist to believe that an  
 193 unlawful reprisal has occurred, is occurring, or is to be taken,  
 194 and is unable to conciliate, to be heard by a panel of impartial  
 195 persons. Upon hearing the complaint, the panel shall make  
 196 findings of fact and conclusions of law for a final decision by  
 197 the Department of Education.

198  
 199 It shall be an affirmative defense to any action brought  
 200 pursuant to this section that the adverse action was predicated  
 201 upon grounds other than, and would have been taken absent, the  
 202 employee's exercise of rights protected by this section.

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

207           1. Reinstatement of the employee to the same position held  
 208 before the unlawful reprisal was commenced, or to an equivalent  
 209 position, or payment of reasonable front pay as alternative  
 210 relief.

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

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



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

218 5. Issuance of an injunction, if appropriate, by a court  
219 of competent jurisdiction.

220 6. Temporary reinstatement to the employee's former  
221 position or to an equivalent position, pending the final outcome  
222 of the complaint, if it is determined that the action was not  
223 made in bad faith or for a wrongful purpose, and did not occur  
224 after a district school board's initiation of a personnel action  
225 against the employee that includes documentation of the  
226 employee's violation of a disciplinary standard or performance  
227 deficiency.

228 (5) SPONSOR; DUTIES; LIABILITY; SURVEY.--

229 (a) Sponsoring entities.--

230 1. A district school board may sponsor a charter school in  
231 the county over which the district school board has  
232 jurisdiction.

233 2. A state university may grant a charter to a lab school  
234 created under s. 1002.32 and shall be considered to be the  
235 school's sponsor. Such school shall be considered a charter lab  
236 school.

237 (b) Sponsor duties.--

238 1. The sponsor shall monitor and review the charter school  
239 in its progress toward the goals established in the charter.

240 2. The sponsor shall monitor the revenues and expenditures  
241 of the charter school.

242 3. The sponsor may approve a charter for a charter school  
 243 before the applicant has secured space, equipment, or personnel,  
 244 if the applicant indicates approval is necessary for it to raise  
 245 working funds ~~capital~~.

246 4. The sponsor's policies shall not apply to a charter  
 247 school.

248 5. The sponsor shall ensure that the charter is innovative  
 249 and consistent with the state education goals established by s.  
 250 1000.03(5).

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

256 7. The sponsor shall provide assistance in scheduling fire  
 257 code inspections upon the request of the charter school.

258 8. The director and a representative of the governing  
 259 board of a charter school graded "D" or "F" shall appear before  
 260 the sponsor at a formal district school board meeting or state  
 261 university board of trustees meeting at least once a year to  
 262 present information concerning each contract component having  
 263 noted deficiencies and to address corrective strategies that are  
 264 being implemented by the school. The sponsor shall communicate  
 265 at the meeting, and in writing to the director, the services  
 266 provided to the school to help the school address its  
 267 deficiencies.  
 268

269 A community college may work with the school district or school  
 270 districts in its designated service area to develop charter  
 271 schools that offer secondary education. These charter schools  
 272 must include an option for students to receive an associate  
 273 degree upon high school graduation. District school boards shall  
 274 cooperate with and assist the community college on the charter  
 275 application. Community college applications for charter schools  
 276 are not subject to the time deadlines outlined in subsection (6)  
 277 and may be approved by the district school board at any time  
 278 during the year. Community colleges shall not report FTE for any  
 279 students who receive FTE funding through the Florida Education  
 280 Finance Program.

281 (c) Sponsor liability.--A district school board sponsoring  
 282 a charter school shall not be liable for damages resulting from  
 283 the acts or omissions of the charter school's governing board,  
 284 agents, or employees unless such act or omission was based upon  
 285 requirements or policies of the district school board.

286 (d) Annual survey.--The department shall conduct an annual  
 287 survey of charter school governing boards to determine the  
 288 boards' satisfaction with the services received from their  
 289 sponsors and the Department of Education. The survey results  
 290 shall be reported to the State Board of Education which may  
 291 recommend action for sponsors having an inordinate number of  
 292 complaints or sponsors that have been determined not to have  
 293 fulfilled their responsibilities as described in this section.

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

297 (a) A person or entity wishing to open a charter school  
 298 shall prepare an application that:  
 299 1. Demonstrates how the school will use the guiding  
 300 principles and meet the statutorily defined purpose of a charter  
 301 school.  
 302 2. Provides a detailed curriculum plan that illustrates  
 303 how students will be provided services to attain the Sunshine  
 304 State Standards.  
 305 3. Contains goals and objectives for improving student  
 306 learning and measuring that improvement. These goals and  
 307 objectives must indicate how much academic improvement students  
 308 are expected to show each year, how success will be evaluated,  
 309 and the specific results to be attained through instruction.  
 310 4. Describes the reading curriculum and differentiated  
 311 strategies that will be used for students reading at grade level  
 312 or higher and a separate curriculum and strategies for students  
 313 who are reading below grade level. A sponsor shall deny a  
 314 charter if the school does not propose a reading curriculum that  
 315 is consistent with effective teaching strategies that are  
 316 grounded in scientifically based reading research.  
 317 5. Contains an annual financial plan for each year  
 318 requested by the charter for operation of the school for up to 5  
 319 years. This plan must contain anticipated fund balances based on  
 320 revenue projections, a spending plan based on projected revenues  
 321 and expenses, and a description of controls that will safeguard  
 322 finances and projected enrollment trends.  
 323 (b) A district school board shall receive and review all  
 324 applications for a charter school. Beginning with the 2005-2006

325 | school year, a district school board shall receive and consider  
 326 | charter school applications received on or before August  
 327 | ~~September~~ 1 of each calendar year for charter schools to be  
 328 | opened at the beginning of the school district's next school  
 329 | year, or to be opened at a time agreed to by the applicant and  
 330 | the district school board. A district school board may receive  
 331 | applications later than this date if it chooses. A sponsor may  
 332 | not charge an applicant for a charter any fee for the processing  
 333 | or consideration of an application, and a sponsor may not base  
 334 | its consideration or approval of an application upon the promise  
 335 | of future payment of any kind.

336 |         1. In order to facilitate an accurate budget projection  
 337 | process, a district school board shall be held harmless for FTE  
 338 | students who are not included in the FTE projection due to  
 339 | approval of charter school applications after the FTE projection  
 340 | deadline. In a further effort to facilitate an accurate budget  
 341 | projection, within 15 calendar days after receipt of a charter  
 342 | school application, a district school board or other sponsor  
 343 | shall report to the Department of Education the name of the  
 344 | applicant entity, the proposed charter school location, and its  
 345 | projected FTE.

346 |         2. In order to ensure fiscal responsibility, an  
 347 | application for a charter school shall include a full accounting  
 348 | of expected assets, a projection of expected sources and amounts  
 349 | of income, including income derived from projected student  
 350 | enrollments and from community support, and an expense  
 351 | projection that includes full accounting of the costs of  
 352 | operation, including start-up costs.

353           3. A district school board shall by a majority vote  
 354 approve or deny an application no later than 60 calendar days  
 355 after the application is received, unless the district school  
 356 board and the applicant mutually agree in writing to temporarily  
 357 postpone the vote to a specific date, at which time the district  
 358 school board shall by a majority vote approve or deny the  
 359 application. If the district school board fails to act on the  
 360 application, an applicant may appeal to the State Board of  
 361 Education as provided in paragraph (c). If an application is  
 362 denied, the district school board shall, within 10 calendar  
 363 days, articulate in writing the specific reasons for ~~based upon~~  
 364 ~~good cause supporting~~ its denial of the charter application and  
 365 must provide documentation to the applicant and to the  
 366 Department of Education supporting those reasons.

367           4. For budget projection purposes, the district school  
 368 board or other sponsor shall report to the Department of  
 369 Education the approval or denial of a charter application within  
 370 10 calendar days after such approval or denial. In the event of  
 371 approval, the report to the Department of Education shall  
 372 include the final projected FTE for the approved charter school.

373           5. Upon approval of a charter application, the initial  
 374 startup shall commence with the beginning of the public school  
 375 calendar for the district in which the charter is granted unless  
 376 the district school board allows a waiver of this provision ~~for~~  
 377 ~~good cause.~~

378           (c) An applicant may appeal any denial of that applicant's  
 379 application or failure to act on an application to the State  
 380 Board of Education no later than 30 calendar days after receipt

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381 of the district school board's decision or failure to act and  
382 shall notify the district school board of its appeal. Any  
383 response of the district school board shall be submitted to the  
384 State Board of Education within 30 calendar days after  
385 notification of the appeal. Upon receipt of notification from  
386 the State Board of Education that a charter school applicant is  
387 filing an appeal, the Commissioner of Education shall convene a  
388 meeting of the Charter School Appeal Commission to study and  
389 make recommendations to the State Board of Education regarding  
390 its pending decision about the appeal. The commission shall  
391 forward its recommendation to the state board no later than 7  
392 calendar days prior to the date on which the appeal is to be  
393 heard. The State Board of Education shall by majority vote  
394 accept or reject the decision of the district school board no  
395 later than 90 calendar days after an appeal is filed in  
396 accordance with State Board of Education rule. The Charter  
397 School Appeal Commission may reject an appeal submission for  
398 failure to comply with procedural rules governing the appeals  
399 process. The rejection shall describe the submission errors. The  
400 appellant may have up to 15 calendar days from notice of  
401 rejection to resubmit an appeal that meets requirements of State  
402 Board of Education rule. An application for appeal submitted  
403 subsequent to such rejection shall be considered timely if the  
404 original appeal was filed within 30 calendar days after receipt  
405 of notice of the specific reasons for the district school  
406 board's denial of the charter application. The State Board of  
407 Education shall remand the application to the district school  
408 board with its written decision that the district school board

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409 | approve or deny the application. The district school board shall  
 410 | implement the decision of the State Board of Education. The  
 411 | decision of the State Board of Education is not subject to the  
 412 | provisions of the Administrative Procedure Act, chapter 120.

413 | (d) The district school board shall act upon the decision  
 414 | of the State Board of Education within 30 calendar days after it  
 415 | is received. The State Board of Education's decision is a final  
 416 | action subject to judicial review.

417 | (e)1. A Charter School Appeal Commission is established to  
 418 | assist the commissioner and the State Board of Education with a  
 419 | fair and impartial review of appeals by applicants whose charter  
 420 | applications have been denied, whose charter contracts have not  
 421 | been renewed, or whose charter contracts have been terminated by  
 422 | their sponsors, ~~or whose disputes over contract negotiations~~  
 423 | ~~have not been resolved through mediation.~~

424 | 2. The Charter School Appeal Commission may receive copies  
 425 | of the appeal documents forwarded to the State Board of  
 426 | Education, review the documents, gather other applicable  
 427 | information regarding the appeal, and make a written  
 428 | recommendation to the commissioner. The recommendation must  
 429 | state whether the appeal should be upheld or denied and include  
 430 | the reasons for the recommendation being offered. The  
 431 | commissioner shall forward the recommendation to the State Board  
 432 | of Education no later than 7 calendar days prior to the date on  
 433 | which the appeal is to be heard. The state board must consider  
 434 | the commission's recommendation in making its decision, but is  
 435 | not bound by the recommendation. The decision of the Charter



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

438 3. The commissioner shall appoint the members of the  
439 Charter School Appeal Commission. Members shall serve without  
440 compensation but may be reimbursed for travel and per diem  
441 expenses in conjunction with their service. One-half of the  
442 members must represent currently operating charter schools, and  
443 one-half of the members must represent school districts. The  
444 commissioner or a named designee shall chair the Charter School  
445 Appeal Commission.

446 4. The chair shall convene meetings of the commission and  
447 shall ensure that the written recommendations are completed and  
448 forwarded in a timely manner. In cases where the commission  
449 cannot reach a decision, the chair shall make the written  
450 recommendation with justification, noting that the decision was  
451 rendered by the chair.

452 5. Commission members shall thoroughly review the  
453 materials presented to them from the appellant and the sponsor.  
454 The commission may request information to clarify the  
455 documentation presented to it. In the course of its review, the  
456 commission may facilitate the postponement of an appeal in those  
457 cases where additional time and communication may negate the  
458 need for a formal appeal and both parties agree, in writing, to  
459 postpone the appeal to the State Board of Education. A new date  
460 certain for the appeal shall then be set based upon the rules  
461 and procedures of the State Board of Education. Commission  
462 members shall provide a written recommendation to the state  
463 board as to whether the appeal should be upheld or denied. A

464 fact-based justification for the recommendation must be  
 465 included. The chair must ensure that the written recommendation  
 466 is submitted to the State Board of Education members no later  
 467 than 7 calendar days prior to the date on which the appeal is to  
 468 be heard. Both parties in the case shall also be provided a copy  
 469 of the recommendation.

470 (f) The Department of Education must offer or arrange for  
 471 training and technical assistance to charter school applicants  
 472 in developing business plans and estimating costs and income.  
 473 This assistance must address estimating startup costs,  
 474 projecting enrollment, and identifying the types and amounts of  
 475 state and federal financial assistance the charter school will  
 476 be eligible to receive. The department of ~~Education~~ may provide  
 477 other technical assistance to an applicant upon written request.

478 (g) In considering charter applications for a lab school,  
 479 a state university shall consult with the district school board  
 480 of the county in which the lab school is located. The decision  
 481 of a state university may be appealed pursuant to the procedure  
 482 established in this subsection.

483 (h) The terms and conditions for the operation of a  
 484 charter school shall be set forth by the sponsor and the  
 485 applicant in a written contractual agreement, called a charter.  
 486 The sponsor shall not impose unreasonable rules or regulations  
 487 that violate the intent of giving charter schools greater  
 488 flexibility to meet educational goals. The applicant and sponsor  
 489 shall have 3 ~~6~~ months in which to mutually agree to the  
 490 provisions of the charter. The proposed charter must be provided  
 491 to the charter school at least 7 calendar days prior to the date

492 | on which the charter is scheduled to be heard by the sponsor.  
 493 | The Department of Education shall provide mediation services for  
 494 | any dispute regarding this section subsequent to the approval of  
 495 | a charter application and for any dispute relating to the  
 496 | approved charter, except disputes regarding charter school  
 497 | application denials. If the Commissioner of Education determines  
 498 | that the dispute cannot be settled through mediation, the  
 499 | dispute may be appealed to an administrative law judge appointed  
 500 | by the Division of Administrative Hearings. The administrative  
 501 | law judge may rule on issues of equitable treatment of the  
 502 | charter school as a public school, whether proposed provisions  
 503 | of the charter violate the intended flexibility granted charter  
 504 | schools by statute, or on any other matter regarding this  
 505 | section except a charter school application denial, a charter  
 506 | termination, or a charter nonrenewal and shall award the  
 507 | prevailing party reasonable attorney's fees and costs incurred  
 508 | to be paid by the losing party. The costs of the administrative  
 509 | hearing shall be paid by the party whom the administrative law  
 510 | judge rules against.

511 | (7) CHARTER.--The major issues involving the operation of  
 512 | a charter school shall be considered in advance and written into  
 513 | the charter. The charter shall be signed by the governing body  
 514 | of the charter school and the sponsor, following a public  
 515 | hearing to ensure community input.

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

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

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520           2. The focus of the curriculum, the instructional methods  
521 to be used, any distinctive instructional techniques to be  
522 employed, and identification and acquisition of appropriate  
523 technologies needed to improve educational and administrative  
524 performance which include a means for promoting safe, ethical,  
525 and appropriate uses of technology which comply with legal and  
526 professional standards. The charter shall ensure that reading is  
527 a primary focus of the curriculum and that resources are  
528 provided to identify and provide specialized instruction for  
529 students who are reading below grade level. The curriculum and  
530 instructional strategies for reading must be consistent with the  
531 Sunshine State Standards and grounded in scientifically based  
532 reading research.

533           3. The current incoming baseline standard of student  
534 academic achievement, the outcomes to be achieved, and the  
535 method of measurement that will be used. The criteria listed in  
536 this subparagraph shall include a detailed description for each  
537 of the following:

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

540           b. How these baseline rates will be compared to rates of  
541 academic progress achieved by these same students while  
542 attending the charter school.

543           c. To the extent possible, how these rates of progress  
544 will be evaluated and compared with rates of progress of other  
545 closely comparable student populations.

546

547 | The district school board is required to provide academic  
 548 | student performance data to charter schools for each of their  
 549 | students coming from the district school system, as well as  
 550 | rates of academic progress of comparable student populations in  
 551 | the district school system.

552 |         4. The methods used to identify the educational strengths  
 553 | and needs of students and how well educational goals and  
 554 | performance standards are met by students attending the charter  
 555 | school. Included in the methods is a means for the charter  
 556 | school to ensure accountability to its constituents by analyzing  
 557 | student performance data and by evaluating the effectiveness and  
 558 | efficiency of its major educational programs. Students in  
 559 | charter schools shall, at a minimum, participate in the  
 560 | statewide assessment program created under s. 1008.22.

561 |         5. In secondary charter schools, a method for determining  
 562 | that a student has satisfied the requirements for graduation in  
 563 | s. 1003.43.

564 |         6. A method for resolving conflicts between the governing  
 565 | body of the charter school and the sponsor.

566 |         7. The admissions procedures and dismissal procedures,  
 567 | including the school's code of student conduct.

568 |         8. The ways by which the school will achieve a  
 569 | racial/ethnic balance reflective of the community it serves or  
 570 | within the racial/ethnic range of other public schools in the  
 571 | same school district.

572 |         9. The financial and administrative management of the  
 573 | school, including a reasonable demonstration of the professional  
 574 | experience or competence of those individuals or organizations

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575 | applying to operate the charter school or those hired or  
576 | retained to perform such professional services and the  
577 | description of clearly delineated responsibilities and the  
578 | policies and practices needed to effectively manage the charter  
579 | school. A description of internal audit procedures and  
580 | establishment of controls to ensure that financial resources are  
581 | properly managed must be included. Both public sector and  
582 | private sector professional experience shall be equally valid in  
583 | such a consideration.

584 |       10. The asset and liability projections required in the  
585 | application which are incorporated into the charter and which  
586 | shall be compared with information provided in the annual report  
587 | of the charter school. The charter shall ensure that, if a  
588 | charter school internal audit or annual financial audit reveals  
589 | a state of financial emergency as defined in s. 218.503 or  
590 | deficit financial position, the auditors are required to notify  
591 | the charter school governing board, the sponsor, and the  
592 | Department of Education. The internal auditor shall report such  
593 | findings in the form of an exit interview to the principal or  
594 | the principal administrator of the charter school and the chair  
595 | of the governing board within 7 working days after finding the  
596 | state of financial emergency or deficit position. A final report  
597 | shall be provided to the entire governing board, the sponsor,  
598 | and the Department of Education within 14 working days after the  
599 | exit interview. When a charter school is in a state of financial  
600 | emergency, the charter school shall file a detailed financial  
601 | recovery plan with the sponsor. The department shall establish

602 guidelines, with involvement from both school districts and  
 603 charter schools, for developing such plans.

604 11. A description of procedures that identify various  
 605 risks and provide for a comprehensive approach to reduce the  
 606 impact of losses; plans to ensure the safety and security of  
 607 students and staff; plans to identify, minimize, and protect  
 608 others from violent or disruptive student behavior; and the  
 609 manner in which the school will be insured, including whether or  
 610 not the school will be required to have liability insurance,  
 611 and, if so, the terms and conditions thereof and the amounts of  
 612 coverage.

613 12. The term of the charter which shall provide for  
 614 cancellation of the charter if insufficient progress has been  
 615 made in attaining the student achievement objectives of the  
 616 charter and if it is not likely that such objectives can be  
 617 achieved before expiration of the charter. The initial term of a  
 618 charter shall be for ~~3~~, ~~4~~, or 5 years. In order to facilitate  
 619 access to long-term financial resources for charter school  
 620 construction, charter schools that are operated by a  
 621 municipality or other public entity as provided by law are  
 622 eligible for up to a 15-year charter, subject to approval by the  
 623 district school board. A charter lab school is eligible for a  
 624 charter for a term of up to 15 years. In addition, to facilitate  
 625 access to long-term financial resources for charter school  
 626 construction, charter schools that are operated by a private,  
 627 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 628 up to a 15-year ~~10-year~~ charter, subject to approval by the  
 629 district school board. Such long-term charters remain subject to

630 annual review and may be terminated during the term of the  
631 charter, but only ~~for specific good cause~~ according to the  
632 provisions set forth in subsection (8).

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

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

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

640 16. A timetable for implementing the charter which  
641 addresses the implementation of each element thereof and the  
642 date by which the charter shall be awarded in order to meet this  
643 timetable.

644 17. In the case of an existing public school being  
645 converted to charter status, alternative arrangements for  
646 current students who choose not to attend the charter school and  
647 for current teachers who choose not to teach in the charter  
648 school after conversion in accordance with the existing  
649 collective bargaining agreement or district school board rule in  
650 the absence of a collective bargaining agreement. However,  
651 alternative arrangements shall not be required for current  
652 teachers who choose not to teach in a charter lab school, except  
653 as authorized by the employment policies of the state university  
654 which grants the charter to the lab school.

655 (b)1. A charter may be renewed ~~every 5 school years,~~  
656 provided that a program review demonstrates that the criteria in  
657 paragraph (a) have been successfully accomplished and that none



658 of the grounds for nonrenewal established by paragraph (8)(a)  
 659 has been documented. In order to facilitate long-term financing  
 660 for charter school construction, charter schools operating for a  
 661 minimum of 2 years and demonstrating exemplary academic  
 662 programming and fiscal management are eligible for a 15-year  
 663 charter renewal. Such long-term charter is subject to annual  
 664 review and may be terminated during the term of the charter.

665 2. The 15-year charter renewal that may be granted  
 666 pursuant to subparagraph 1. shall be granted to a charter school  
 667 that has received a school grade of "A" or "B" pursuant to s.  
 668 1008.34 in 3 of the past 4 years and is not in a state of  
 669 financial emergency or deficit position as defined by this  
 670 section. Such long-term charter is subject to annual review and  
 671 may be terminated during the term of the charter pursuant to  
 672 subsection (8).

673 (c) A charter may be modified during its initial term or  
 674 any renewal term upon the recommendation of the sponsor or the  
 675 charter school governing board and the approval of both parties  
 676 to the agreement.

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

678 (a) At the end of the term of a charter, the sponsor may  
 679 choose not to renew the charter for any of the following  
 680 grounds:

681 1. Failure to participate in the state's education  
 682 accountability system created in s. 1008.31, as required in this  
 683 section, or failure to meet the requirements for student  
 684 performance stated in the charter.

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685           2. Failure to meet generally accepted standards of fiscal  
686 management.

687           3. Violation of law.

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

690           5. Failure of the director of a charter school having a  
691 school performance grade of a "D" or "F" to appear before the  
692 sponsoring body as required in subsection (5).

693           (b) During the term of a charter, the sponsor may  
694 terminate the charter for any of the grounds listed in paragraph  
695 (a).

696           (c) At least 90 days prior to renewing or terminating a  
697 charter, the sponsor shall notify the governing body of the  
698 school of the proposed action in writing. The notice shall state  
699 in reasonable detail the grounds for the proposed action and  
700 stipulate that the school's governing body may, within 14  
701 calendar days after receiving the notice, request an informal  
702 hearing before the sponsor. The sponsor shall conduct the  
703 informal hearing within 30 calendar days after receiving a  
704 written request. The charter school's governing body may, within  
705 14 calendar days after receiving the sponsor's decision to  
706 terminate or refuse to renew the charter, appeal the decision  
707 pursuant to the procedure established in subsection (6).

708           (d) A charter may be terminated immediately if the sponsor  
709 determines that ~~good cause has been shown or if~~ the health,  
710 safety, or welfare of the students is threatened. The charter  
711 sponsor must notify in writing the charter school's governing  
712 board, the charter school principal, and the department if a

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713 | charter is immediately terminated. The sponsor shall clearly  
714 | identify the specific issues that resulted in the immediate  
715 | termination and provide evidence of prior notification of issues  
716 | resulting in the immediate termination when appropriate. The  
717 | school district in which the charter school is located shall  
718 | assume operation of the school under these circumstances. The  
719 | charter school's governing board may, within 14 days after  
720 | receiving the sponsor's decision to terminate the charter,  
721 | appeal the decision pursuant to the procedure established in  
722 | subsection (6).

723 | (e) When a charter is not renewed or is terminated, the  
724 | school shall be dissolved under the provisions of law under  
725 | which the school was organized, and any unencumbered public  
726 | funds, except for capital outlay funds, from the charter school  
727 | shall revert to the district school board. Capital outlay funds  
728 | provided pursuant to s. 1013.62 that are unencumbered shall  
729 | revert to the department to be redistributed among eligible  
730 | charter schools. In the event a charter school is dissolved or  
731 | is otherwise terminated, all district school board property and  
732 | improvements, furnishings, and equipment purchased with public  
733 | funds shall automatically revert to full ownership by the  
734 | district school board, subject to complete satisfaction of any  
735 | lawful liens or encumbrances. Any unencumbered public funds from  
736 | the charter school, district school board property and  
737 | improvements, furnishings, and equipment purchased with public  
738 | funds, or financial or other records pertaining to the charter  
739 | school, in the possession of any person, entity, or holding  
740 | company, other than the charter school, shall be held in trust

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

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741 upon the district school board's request, until any appeal  
742 status is resolved.

743 (f) If a charter is not renewed or is terminated, the  
744 charter school is responsible for all debts of the charter  
745 school. The district may not assume the debt from any contract  
746 for services made between the governing body of the school and a  
747 third party, except for a debt that is previously detailed and  
748 agreed upon in writing by both the district and the governing  
749 body of the school and that may not reasonably be assumed to  
750 have been satisfied by the district.

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

755 (9) CHARTER SCHOOL REQUIREMENTS.--

756 (a) A charter school shall be nonsectarian in its  
757 programs, admission policies, employment practices, and  
758 operations.

759 (b) A charter school shall admit students as provided in  
760 subsection (10).

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

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

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

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

771 (g) A charter school shall provide for an annual financial  
772 audit in accordance with s. 218.39. Financial audits that yield  
773 a state of financial emergency as defined in s. 218.503 and are  
774 conducted by a certified public accountant or auditor in  
775 accordance with s. 218.39 shall be provided to the governing  
776 board of the charter school within 7 working days after finding  
777 that a state of financial emergency exists. When a charter  
778 school is found to be in a state of financial emergency by a  
779 certified public accountant or auditor, the charter school must  
780 file a detailed financial recovery plan with the sponsor within  
781 30 days after receipt of the audit.

782 (h) No organization shall hold more than 15 charters  
783 statewide.

784 (i) Upon receipt of an application to operate a charter  
785 school, the sponsor must notify the Department of Education of  
786 the individual, group, organization, or private or nonprofit  
787 company that submitted an application to operate a charter  
788 school in this state or that is contracted with by the governing  
789 board of a charter school to operate a charter school in this  
790 state. The department shall maintain a database that contains  
791 the name of each organization or entity applying for a charter  
792 or operating by contract a charter school in this state,  
793 principal contact information, a description of the organization  
794 or entity, an identification of the number of charter  
795 applications or contracts in the state, and disclosure of  
796 charters terminated or renewed in this state and other states. A

797 sponsor may not approve an application for a charter unless the  
 798 governing board and contract operator of the school have  
 799 submitted a complete, accurate, and timely registration with the  
 800 department.

801 (j)(i) In order to provide financial information that is  
 802 comparable to that reported for other public schools, charter  
 803 schools are to maintain all financial records which constitute  
 804 their accounting system:

805 1. In accordance with the accounts and codes prescribed in  
 806 the most recent issuance of the publication titled "Financial  
 807 and Program Cost Accounting and Reporting for Florida Schools";  
 808 or

809 2. At the discretion of the charter school governing  
 810 board, a charter school may elect to follow generally accepted  
 811 accounting standards for not-for-profit organizations, but must  
 812 reformat this information for reporting according to this  
 813 paragraph.

814  
 815 Charter schools are to provide annual financial report and  
 816 program cost report information in the state-required formats  
 817 for inclusion in district reporting in compliance with s.  
 818 1011.60(1). Charter schools that are operated by a municipality  
 819 or are a component unit of a parent nonprofit organization may  
 820 use the accounting system of the municipality or the parent but  
 821 must reformat this information for reporting according to this  
 822 paragraph.

823 (k)(j) The governing board of the charter school shall  
 824 annually adopt and maintain an operating budget.

825        (1)~~(k)~~ The governing body of the charter school shall  
 826 exercise continuing oversight over charter school operations.

827        (m)~~(l)~~ The governing body of the charter school shall  
 828 report its progress annually to its sponsor, which shall forward  
 829 the report to the Commissioner of Education at the same time as  
 830 other annual school accountability reports. The Department of  
 831 Education shall include in its compilation a notation if a  
 832 school failed to file its report by the deadline established by  
 833 the department. The report shall include at least the following  
 834 components:

835            1. Student achievement performance data, including the  
 836 information required for the annual school report and the  
 837 education accountability system governed by ss. 1008.31 and  
 838 1008.345. Charter schools are subject to the same accountability  
 839 requirements as other public schools, including reports of  
 840 student achievement information that links baseline student data  
 841 to the school's performance projections identified in the  
 842 charter. The charter school shall identify reasons for any  
 843 difference between projected and actual student performance.

844            2. Financial status of the charter school which must  
 845 include revenues and expenditures at a level of detail that  
 846 allows for analysis of the ability to meet financial obligations  
 847 and timely repayment of debt.

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

851            4. Descriptive information about the charter school's  
 852 personnel, including salary and benefit levels of charter school

853 employees, the proportion of instructional personnel who hold  
 854 professional or temporary certificates, and the proportion of  
 855 instructional personnel teaching in-field or out-of-field.

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

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

861 (10) ELIGIBLE STUDENTS.--

862 (a) A charter school shall be open to any student covered  
 863 in an interdistrict agreement or residing in the school district  
 864 in which the charter school is located; however, in the case of  
 865 a charter lab school, the charter lab school shall be open to  
 866 any student eligible to attend the lab school as provided in s.  
 867 1002.32 or who resides in the school district in which the  
 868 charter lab school is located. Any eligible student shall be  
 869 allowed interdistrict transfer to attend a charter school when  
 870 based on good cause.

871 (b) The charter school shall enroll an eligible student  
 872 who submits a timely application, unless the number of  
 873 applications exceeds the capacity of a program, class, grade  
 874 level, or building. In such case, all applicants shall have an  
 875 equal chance of being admitted through a random selection  
 876 process.

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



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

882 1. Students who are siblings of a student enrolled in the  
883 charter school.

884 2. Students who are the children of a member of the  
885 governing board of the charter school.

886 3. Students who are the children of an employee of the  
887 charter school.

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

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

891 2. Students considered at risk of dropping out of school  
892 or academic failure. Such students shall include exceptional  
893 education students.

894 3. Students enrolling in a charter school-in-the-workplace  
895 or charter school-in-a-municipality established pursuant to  
896 subsection (15).

897 4. Students residing within a reasonable distance of the  
898 charter school, as described in paragraph (20)(c). Such students  
899 shall be subject to a random lottery and to the racial/ethnic  
900 balance provisions described in subparagraph (7)(a)8. or any  
901 federal provisions that require a school to achieve a  
902 racial/ethnic balance reflective of the community it serves or  
903 within the racial/ethnic range of other public schools in the  
904 same school district.

905 5. Students who meet reasonable academic, artistic, or  
906 other eligibility standards established by the charter school  
907 and included in the charter school application and charter or,

908 | in the case of existing charter schools, standards that are  
 909 | consistent with the school's mission and purpose. Such standards  
 910 | shall be in accordance with current state law and practice in  
 911 | public schools and may not discriminate against otherwise  
 912 | qualified individuals.

913 |         6. Students articulating from one charter school to  
 914 | another pursuant to an articulation agreement between the  
 915 | charter schools that has been approved by the sponsor.

916 |         (f) Students with handicapping conditions and students  
 917 | served in English for Speakers of Other Languages programs shall  
 918 | have an equal opportunity of being selected for enrollment in a  
 919 | charter school.

920 |         (g) A student may withdraw from a charter school at any  
 921 | time and enroll in another public school as determined by  
 922 | district school board rule.

923 |         (h) The capacity of the charter school shall be determined  
 924 | annually by the governing board, in conjunction with the  
 925 | sponsor, of the charter school in consideration of the factors  
 926 | identified in this subsection.

927 |         (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR  
 928 | ACTIVITIES.--A charter school student is eligible to participate  
 929 | in an interscholastic extracurricular activity at the public  
 930 | school to which the student would be otherwise assigned to  
 931 | attend pursuant to s. 1006.15(3)(d).

932 |         (12) EMPLOYEES OF CHARTER SCHOOLS.--

933 |         (a) A charter school shall select its own employees. A  
 934 | charter school may contract with its sponsor for the services of  
 935 | personnel employed by the sponsor.

936 (b) Charter school employees shall have the option to  
 937 bargain collectively. Employees may collectively bargain as a  
 938 separate unit or as part of the existing district collective  
 939 bargaining unit as determined by the structure of the charter  
 940 school.

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

944 (d) The teachers at a charter school may choose to be part  
 945 of a professional group that subcontracts with the charter  
 946 school to operate the instructional program under the auspices  
 947 of a partnership or cooperative that they collectively own.  
 948 Under this arrangement, the teachers would not be public  
 949 employees.

950 (e) Employees of a school district may take leave to  
 951 accept employment in a charter school upon the approval of the  
 952 district school board. While employed by the charter school and  
 953 on leave that is approved by the district school board, the  
 954 employee may retain seniority accrued in that school district  
 955 and may continue to be covered by the benefit programs of that  
 956 school district, if the charter school and the district school  
 957 board agree to this arrangement and its financing. School  
 958 districts shall not require resignations of teachers desiring to  
 959 teach in a charter school. This paragraph shall not prohibit a  
 960 district school board from approving alternative leave  
 961 arrangements consistent with chapter 1012.

962 (f) Teachers employed by or under contract to a charter  
 963 school shall be certified as required by chapter 1012. A charter

964 school governing board may employ or contract with skilled  
 965 selected noncertified personnel to provide instructional  
 966 services or to assist instructional staff members as education  
 967 paraprofessionals in the same manner as defined in chapter 1012,  
 968 and as provided by State Board of Education rule for charter  
 969 school governing boards. A charter school may not knowingly  
 970 employ an individual to provide instructional services or to  
 971 serve as an education paraprofessional if the individual's  
 972 certification or licensure as an educator is suspended or  
 973 revoked by this or any other state. A charter school may not  
 974 knowingly employ an individual who has resigned from a school  
 975 district in lieu of disciplinary action with respect to child  
 976 welfare or safety, or who has been dismissed for just cause by  
 977 any school district with respect to child welfare or safety. The  
 978 qualifications of teachers shall be disclosed to parents.

979 (g) A charter school shall employ or contract with  
 980 employees who have undergone background screening as provided in  
 981 s. 1012.32. Members of the governing board of the charter school  
 982 shall also undergo background screening in a manner similar to  
 983 that provided in s. 1012.32.

984 (h) For the purposes of tort liability, the governing body  
 985 and employees of a charter school shall be governed by s.  
 986 768.28.

987 (i) A charter school shall organize as, or be operated by,  
 988 a nonprofit organization. A charter school may be operated by a  
 989 municipality or other public entity as provided for by law. As  
 990 such, the charter school may be either a private or a public  
 991 employer. As a public employer, a charter school may participate

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992 | in the Florida Retirement System upon application and approval  
 993 | as a "covered group" under s. 121.021(34). If a charter school  
 994 | participates in the Florida Retirement System, the charter  
 995 | school employees shall be compulsory members of the Florida  
 996 | Retirement System. As either a private or a public employer, a  
 997 | charter school may contract for services with an individual or  
 998 | group of individuals who are organized as a partnership or a  
 999 | cooperative. Individuals or groups of individuals who contract  
 1000 | their services to the charter school are not public employees.

1001 |       (13) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
 1002 | enter into cooperative agreements to form charter school  
 1003 | cooperative organizations that may provide the following  
 1004 | services: charter school planning and development, direct  
 1005 | instructional services, and contracts with charter school  
 1006 | governing boards to provide personnel administrative services,  
 1007 | payroll services, human resource management, evaluation and  
 1008 | assessment services, teacher preparation, and professional  
 1009 | development.

1010 |       (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
 1011 | INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
 1012 | TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to  
 1013 | borrow or otherwise secure funds for a charter school authorized  
 1014 | in this section from a source other than the state or a school  
 1015 | district shall indemnify the state and the school district from  
 1016 | any and all liability, including, but not limited to, financial  
 1017 | responsibility for the payment of the principal or interest. Any  
 1018 | loans, bonds, or other financial agreements are not obligations  
 1019 | of the state or the school district but are obligations of the

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1020 charter school authority and are payable solely from the sources  
 1021 of funds pledged by such agreement. The credit or taxing power  
 1022 of the state or the school district shall not be pledged and no  
 1023 debts shall be payable out of any moneys except those of the  
 1024 legal entity in possession of a valid charter approved by a  
 1025 district school board pursuant to this section.

1026 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
 1027 A-MUNICIPALITY.--

1028 (a) In order to increase business partnerships in  
 1029 education, to reduce school and classroom overcrowding  
 1030 throughout the state, and to offset the high costs for  
 1031 educational facilities construction, the Legislature intends to  
 1032 encourage the formation of business partnership schools or  
 1033 satellite learning centers and municipal-operated schools  
 1034 through charter school status.

1035 (b) A charter school-in-the-workplace may be established  
 1036 when a business partner provides the school facility to be used;  
 1037 enrolls students based upon a random lottery that involves all  
 1038 of the children of employees of that business or corporation who  
 1039 are seeking enrollment, as provided for in subsection (10); and  
 1040 enrolls students according to the racial/ethnic balance  
 1041 provisions described in subparagraph (7)(a)8. Any portion of a  
 1042 facility used for a public charter school shall be exempt from  
 1043 ad valorem taxes, as provided for in s. 1013.54, for the  
 1044 duration of its use as a public school.

1045 (c) A charter school-in-a-municipality designation may be  
 1046 granted to a municipality that possesses a charter; enrolls  
 1047 students based upon a random lottery that involves all of the

1048 children of the residents of that municipality who are seeking  
 1049 enrollment, as provided for in subsection (10); and enrolls  
 1050 students according to the racial/ethnic balance provisions  
 1051 described in subparagraph (7)(a)8. When a municipality has  
 1052 submitted charter applications for the establishment of a  
 1053 charter school feeder pattern, consisting of elementary, middle,  
 1054 and senior high schools, and each individual charter application  
 1055 is approved by the district school board, such schools shall  
 1056 then be designated as one charter school for all purposes listed  
 1057 pursuant to this section. Any portion of the land and facility  
 1058 used for a public charter school shall be exempt from ad valorem  
 1059 taxes, as provided for in s. 1013.54, for the duration of its  
 1060 use as a public school.

1061 (d) As used in this subsection, the terms "business  
 1062 partner" or "municipality" may include more than one business or  
 1063 municipality to form a charter school-in-the-workplace or  
 1064 charter school-in-a-municipality.

1065 (16) EXEMPTION FROM STATUTES.--

1066 (a) A charter school shall operate in accordance with its  
 1067 charter and shall be exempt from all statutes in chapters 1000-  
 1068 1013. However, a charter school shall be in compliance with the  
 1069 following statutes in chapters 1000-1013:

1070 1. Those statutes specifically applying to charter  
 1071 schools, including this section.

1072 2. Those statutes pertaining to the student assessment  
 1073 program and school grading system.

1074 3. Those statutes pertaining to the provision of services  
 1075 to students with disabilities.

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1076 | 4. Those statutes pertaining to civil rights, including s.  
1077 | 1000.05, relating to discrimination.

1078 | 5. Those statutes pertaining to student health, safety,  
1079 | and welfare.

1080 | (b) Additionally, a charter school shall be in compliance  
1081 | with the following statutes:

1082 | 1. Section 286.011, relating to public meetings and  
1083 | records, public inspection, and criminal and civil penalties.

1084 | 2. Chapter 119, relating to public records.

1085 | (17) FUNDING.--Students enrolled in a charter school,  
1086 | regardless of the sponsorship, shall be funded as if they are in  
1087 | a basic program or a special program, the same as students  
1088 | enrolled in other public schools in the school district. Funding  
1089 | for a charter lab school shall be as provided in s. 1002.32.

1090 | (a) Each charter school shall report its student  
1091 | enrollment to the district school board as required in s.  
1092 | 1011.62, and in accordance with the definitions in s. 1011.61.  
1093 | The district school board shall include each charter school's  
1094 | enrollment in the district's report of student enrollment. All  
1095 | charter schools submitting student record information required  
1096 | by the Department of Education shall comply with the Department  
1097 | of Education's guidelines for electronic data formats for such  
1098 | data, and all districts shall accept electronic data that  
1099 | complies with the Department of Education's electronic format.

1100 | (b) The basis for the agreement for funding students  
1101 | enrolled in a charter school shall be the sum of the school  
1102 | district's operating funds from the Florida Education Finance  
1103 | Program as provided in s. 1011.62 and the General Appropriations



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1104 Act, including gross state and local funds, discretionary  
 1105 lottery funds, and funds from the school district's current  
 1106 operating discretionary millage levy; divided by total funded  
 1107 weighted full-time equivalent students in the school district;  
 1108 multiplied by the weighted full-time equivalent students for the  
 1109 charter school. Charter schools whose students or programs meet  
 1110 the eligibility criteria in law shall be entitled to their  
 1111 proportionate share of categorical program funds included in the  
 1112 total funds available in the Florida Education Finance Program  
 1113 by the Legislature, including transportation. Total funding for  
 1114 each charter school shall be recalculated during the year to  
 1115 reflect the revised calculations under the Florida Education  
 1116 Finance Program by the state and the actual weighted full-time  
 1117 equivalent students reported by the charter school during the  
 1118 full-time equivalent student survey periods designated by the  
 1119 Commissioner of Education.

1120 (c) If the district school board is providing programs or  
 1121 services to students funded by federal funds, any eligible  
 1122 students enrolled in charter schools in the school district  
 1123 shall be provided federal funds for the same level of service  
 1124 provided students in the schools operated by the district school  
 1125 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
 1126 charter schools shall receive all federal funding for which the  
 1127 school is otherwise eligible, including Title I funding, not  
 1128 later than 5 months after the charter school first opens and  
 1129 within 5 months after any subsequent expansion of enrollment.

1130 (d) District school boards shall make ~~every effort to~~  
 1131 ~~ensure that charter schools receive~~ timely and efficient payment

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1132 and reimbursement to charter schools, including processing  
 1133 paperwork required to access special state and federal funding  
 1134 for which they may be eligible. The district school board may  
 1135 distribute funds to a charter school for up to 3 months based on  
 1136 the projected full-time equivalent student membership of the  
 1137 charter school. Thereafter, the results of full-time equivalent  
 1138 student membership surveys shall be used in adjusting the amount  
 1139 of funds distributed monthly to the charter school for the  
 1140 remainder of the fiscal year. The payment shall be issued no  
 1141 later than 10 working days after the district school board  
 1142 receives a distribution of state or federal funds. If a warrant  
 1143 for payment is not issued within 10 ~~30~~ working days after  
 1144 receipt of funding by the district school board, the school  
 1145 district shall pay to the charter school, in addition to the  
 1146 amount of the scheduled disbursement, interest at a rate of 5 ~~±~~  
 1147 percent per month calculated on a daily basis on the unpaid  
 1148 balance from the expiration of the 10 working days ~~30-day period~~  
 1149 until such time as the warrant is issued. The Commissioner of  
 1150 Education is authorized to withhold funds from school districts  
 1151 that fail to make timely payments and reimbursements.

1152 (e) The State Board of Education shall have authority to  
 1153 impose a fine on or withhold lottery funds from a school  
 1154 district for any violation of the procedural requirements for  
 1155 charter school application, termination, or nonrenewal appeals  
 1156 regardless of whether the violation affects the fairness of the  
 1157 appeal process or the correctness of the action taken by the  
 1158 school district. Prior to the imposition of a fine or  
 1159 withholding of lottery funds under this paragraph, the State

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1160 Board of Education shall provide the school district with notice  
 1161 of the amount of the proposed fine and an opportunity to be  
 1162 heard at a subsequent meeting of the State Board of Education.  
 1163 The funds collected for fines under this paragraph shall be  
 1164 taken from the school district's administrative fee under  
 1165 paragraph (20)(a) and disbursed to the prevailing charter school  
 1166 appellant under this section or, if the charter school  
 1167 appellant's appeal is denied, in equal amounts to each of the  
 1168 charter schools within the school district. The imposition of a  
 1169 fine under this paragraph shall not exceed \$10,000 and is a  
 1170 final action subject to judicial review in the district court of  
 1171 appeals.

1172 (18) FACILITIES.--

1173 (a) A startup charter school shall utilize facilities  
 1174 which comply with the Florida Building Code pursuant to chapter  
 1175 553 except for the State Requirements for Educational  
 1176 Facilities. Conversion charter schools shall utilize facilities  
 1177 which comply with the State Requirements for Educational  
 1178 Facilities provided that the school district and the charter  
 1179 school have entered into a mutual management plan with  
 1180 sufficient funding from the school district to comply with the  
 1181 State Requirements for Educational Facilities. Charter schools,  
 1182 with the exception of conversion charter schools, are not  
 1183 required to comply, but may choose to comply, with the State  
 1184 Requirements for Educational Facilities of the Florida Building  
 1185 Code adopted pursuant to s. 1013.37. The local governing  
 1186 authority shall not adopt or impose local building requirements  
 1187 or restrictions that are more stringent than those found in the

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1188 Florida Building Code. The agency having jurisdiction for  
 1189 inspection of a facility and issuance of a certificate of  
 1190 occupancy shall be the local municipality or, if in an  
 1191 unincorporated area, the county governing authority.

1192 (b) A charter school shall utilize facilities that comply  
 1193 with the Florida Fire Prevention Code, pursuant to s. 633.025,  
 1194 as adopted by the authority in whose jurisdiction the facility  
 1195 is located as provided in paragraph (a).

1196 (c) Any facility, or portion thereof, used to house a  
 1197 charter school whose charter has been approved by the sponsor  
 1198 and the governing board, pursuant to subsection (7), shall be  
 1199 exempt from ad valorem taxes pursuant to s. 196.1983. Library,  
 1200 community service, museum, performing arts, theatre, cinema,  
 1201 church, community college, college, and university facilities  
 1202 may provide space to charter schools within their facilities  
 1203 under their preexisting zoning and land use designations.

1204 (d) Charter school facilities are exempt from assessments  
 1205 of fees for building permits, except as provided in s. 553.80,  
 1206 fees and for building and occupational licenses, and ~~from~~  
 1207 ~~assessments of impact fees or service availability fees.~~

1208 (e) If a district school board facility or property is  
 1209 available because it is surplus, marked for disposal, or  
 1210 otherwise unused, it shall be provided for a charter school's  
 1211 use on the same basis as it is made available to other public  
 1212 schools in the district. A charter school receiving property  
 1213 from the school district may not sell or dispose of such  
 1214 property without written permission of the school district.  
 1215 Similarly, for an existing public school converting to charter

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1216 status, no rental or leasing fee for the existing facility or  
 1217 for the property normally inventoried to the conversion school  
 1218 may be charged by the district school board to the parents and  
 1219 teachers organizing the charter school. The charter school  
 1220 ~~organizers~~ shall agree to reasonable maintenance provisions in  
 1221 order to maintain the facility in a manner similar to district  
 1222 school board standards. The Public Education Capital Outlay  
 1223 maintenance funds or any other maintenance funds generated by  
 1224 the facility operated as a conversion school shall remain with  
 1225 the conversion school.

1226 (f) To the extent that charter school facilities are  
 1227 specifically created to mitigate the educational impact created  
 1228 by the development of new residential dwelling units, pursuant  
 1229 to subparagraph (2)(c)4., some of or all of the educational  
 1230 impact fees required to be paid in connection with the new  
 1231 residential dwelling units may be designated instead for the  
 1232 construction of the charter school facilities that will mitigate  
 1233 the student station impact. Such facilities shall be built to  
 1234 the State Requirements for Educational Facilities and shall be  
 1235 owned by a public or nonprofit entity. The local school district  
 1236 retains the right to monitor and inspect such facilities to  
 1237 ensure compliance with the State Requirements for Educational  
 1238 Facilities. If a facility ceases to be used for public  
 1239 educational purposes, either the facility shall revert to the  
 1240 school district subject to any debt owed on the facility, or the  
 1241 owner of the facility shall have the option to refund all  
 1242 educational impact fees utilized for the facility to the school  
 1243 district. The district and the owner of the facility may

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1244 contractually agree to another arrangement for the facilities if  
 1245 the facilities cease to be used for educational purposes. The  
 1246 owner of property planned or approved for new residential  
 1247 dwelling units and the entity levying educational impact fees  
 1248 shall enter into an agreement that designates the educational  
 1249 impact fees that will be allocated for the charter school  
 1250 student stations and that ensures the timely construction of the  
 1251 charter school student stations concurrent with the expected  
 1252 occupancy of the residential units. The application for use of  
 1253 educational impact fees shall include an approved charter school  
 1254 application. To assist the school district in forecasting  
 1255 student station needs, the entity levying the impact fees shall  
 1256 notify the affected district of any agreements it has approved  
 1257 for the purpose of mitigating student station impact from the  
 1258 new residential dwelling units.

1259 (19) CAPITAL OUTLAY FUNDING.--Charter schools are eligible  
 1260 for capital outlay funds pursuant to s. 1013.62.

1261 (20) SERVICES.--

1262 (a) A sponsor shall provide certain administrative and  
 1263 educational services to charter schools. These services shall  
 1264 include contract management services; full-time equivalent and  
 1265 data reporting services; exceptional student education  
 1266 administration and evaluation services; test administration  
 1267 services, including payment of the costs of state-required or  
 1268 district-required student assessments; processing of teacher  
 1269 certificate data services; and information services, including  
 1270 equal access to student information systems that are used by  
 1271 public schools in the district in which the charter school is

1272 | located. A total administrative fee for the provision of such  
 1273 | services shall be calculated based upon up to 5 percent of the  
 1274 | available funds defined in paragraph (17)(b) for all students.  
 1275 | However, a sponsor may only withhold up to a 5-percent  
 1276 | administrative fee for enrollment for up to and including 500  
 1277 | students. For charter schools with a population of 501 or more  
 1278 | students, the difference between the total administrative fee  
 1279 | calculation and the amount of the administrative fee withheld  
 1280 | may only be used for capital outlay purposes specified in s.  
 1281 | 1013.62~~(4)~~~~(2)~~. Sponsors shall not charge charter schools any  
 1282 | additional fees or surcharges for administrative and educational  
 1283 | services in addition to the maximum 5-percent administrative fee  
 1284 | withheld pursuant to this paragraph.

1285 |         (b) If goods and services are made available to the  
 1286 | charter school through the contract with the school district,  
 1287 | they shall be provided to the charter school at a rate no  
 1288 | greater than the district's actual cost unless mutually agreed  
 1289 | upon by the charter school and the sponsor in a contract  
 1290 | negotiated separately from the charter. When mediation has  
 1291 | failed to resolve disputes over contracted services or  
 1292 | contractual matters not included in the charter, an appeal may  
 1293 | be made for a dispute resolution hearing before the Charter  
 1294 | School Appeal Commission. To maximize the use of state funds,  
 1295 | school districts shall allow charter schools to participate in  
 1296 | the sponsor's bulk purchasing program if applicable.

1297 |         (c) Transportation of charter school students shall be  
 1298 | provided by the charter school consistent with the requirements  
 1299 | of subpart I.E. of chapter 1006 and s. 1012.45. The governing

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1300 | body of the charter school may provide transportation through an  
 1301 | agreement or contract with the district school board, a private  
 1302 | provider, or parents. The charter school and the sponsor shall  
 1303 | cooperate in making arrangements that ensure that transportation  
 1304 | is not a barrier to equal access for all students residing  
 1305 | within a reasonable distance of the charter school as determined  
 1306 | in its charter.

1307 |       (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
 1308 | Department of Education shall provide information to the public,  
 1309 | directly and through sponsors, both on how to form and operate a  
 1310 | charter school and on how to enroll in charter schools once they  
 1311 | are created. This information shall include a standard  
 1312 | application format, charter format, and charter renewal format  
 1313 | which shall include the information specified in subsection (7).  
 1314 | These formats shall ~~This application format may~~ be used as  
 1315 | guidelines by charter school sponsors ~~chartering entities~~.

1316 |       (22) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--  
 1317 |       ~~(a)~~ The Department of Education shall staff and regularly  
 1318 | convene a Charter School Review Panel in order to review issues,  
 1319 | practices, and policies regarding charter schools. The  
 1320 | composition of the review panel shall include individuals with  
 1321 | experience in finance, administration, law, education, and  
 1322 | school governance, and individuals familiar with charter school  
 1323 | construction and operation. The panel shall include two  
 1324 | appointees each from the Commissioner of Education, the  
 1325 | President of the Senate, and the Speaker of the House of  
 1326 | Representatives. The Governor shall appoint three members of the  
 1327 | panel and shall designate the chair. Each member of the panel



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1328 shall serve a 1-year term, unless renewed by the office making  
 1329 the appointment. The panel shall make recommendations to the  
 1330 Legislature, to the Department of Education, to charter schools,  
 1331 and to school districts for improving charter school operations  
 1332 and oversight and for ensuring best business practices at and  
 1333 fair business relationships with charter schools.

1334 ~~(b) The Legislature shall review the operation of charter~~  
 1335 ~~schools during the 2005 Regular Session of the Legislature.~~

1336 (23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt  
 1337 of the annual report required by paragraph (9)(m)~~(l)~~, the  
 1338 Department of Education shall provide to the State Board of  
 1339 Education, the Commissioner of Education, the Governor, the  
 1340 President of the Senate, and the Speaker of the House of  
 1341 Representatives an analysis and comparison of the overall  
 1342 performance of charter school students, to include all students  
 1343 whose scores are counted as part of the statewide assessment  
 1344 program, versus comparable public school students in the  
 1345 district as determined by the statewide assessment program  
 1346 currently administered in the school district, and other  
 1347 assessments administered pursuant to s. 1008.22(3).

1348 (24) RULEMAKING.--The Department of Education, after  
 1349 consultation with school districts and charter school directors,  
 1350 shall recommend that the State Board of Education adopt rules to  
 1351 implement specific subsections of this section. Such rules shall  
 1352 require minimum paperwork and shall not limit charter school  
 1353 flexibility authorized by statute.

1354 Section 2. Subsection (5) of section 218.39, Florida  
 1355 Statutes, is amended to read:

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1356           218.39 Annual financial audit reports.--  
 1357           (5) At the conclusion of the audit, the auditor shall  
 1358 discuss with the chair of each local governmental entity or the  
 1359 chair's designee, or with the elected official of each county  
 1360 agency or with the elected official's designee, or with the  
 1361 chair of the district school board or the chair's designee, or  
 1362 with the chair of the board of the charter school or the chair's  
 1363 designee, or with the chair of the charter technical career  
 1364 center or the chair's designee, as appropriate, all of the  
 1365 auditor's comments that will be included in the audit report. If  
 1366 the officer is not available to discuss the auditor's comments,  
 1367 their discussion is presumed when the comments are delivered in  
 1368 writing to his or her office. The auditor shall notify each  
 1369 member of the governing body of a local governmental entity, ~~or~~  
 1370 district school board, or charter school for which deteriorating  
 1371 financial conditions exist that may cause a condition described  
 1372 in s. 218.503(1) to occur if actions are not taken to address  
 1373 such conditions.

1374           Section 3. Section 218.50, Florida Statutes, is amended to  
 1375 read:

1376           218.50 Short title.--Sections 218.50-218.504 may be cited  
 1377 as the "Local Governmental Entity, Charter School, and District  
 1378 School Board Financial Emergencies Act."

1379           Section 4. Section 218.501, Florida Statutes, is amended  
 1380 to read:

1381           218.501 Purposes.--The purposes of ss. 218.50-218.504 are:

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1382 (1) To promote the fiscal responsibility of local  
1383 governmental entities, charter schools, and district school  
1384 boards.

1385 (2) To assist local governmental entities, charter  
1386 schools, and district school boards in providing essential  
1387 services without interruption and in meeting their financial  
1388 obligations.

1389 (3) To assist local governmental entities, charter  
1390 schools, and district school boards through the improvement of  
1391 local financial management procedures.

1392 Section 5. Section 218.503, Florida Statutes, is amended  
1393 to read:

1394 218.503 Determination of financial emergency.--

1395 (1) Local governmental entities, charter schools, and  
1396 district school boards shall be subject to review and oversight  
1397 by the Governor, charter school sponsor, or the Commissioner of  
1398 Education, as appropriate, when any one of the following  
1399 conditions occurs:

1400 (a) Failure within the same fiscal year in which due to  
1401 pay short-term loans or failure to make bond debt service or  
1402 other long-term debt payments when due, as a result of a lack of  
1403 funds.

1404 (b) Failure to pay uncontested claims from creditors  
1405 within 90 days after the claim is presented, as a result of a  
1406 lack of funds.

1407 (c) Failure to transfer at the appropriate time, due to  
1408 lack of funds:

1409 1. Taxes withheld on the income of employees; or

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- 1410           2. Employer and employee contributions for:
- 1411           a. Federal social security; or
- 1412           b. Any pension, retirement, or benefit plan of an
- 1413 employee.
- 1414           (d) Failure for one pay period to pay, due to lack of
- 1415 funds:
- 1416           1. Wages and salaries owed to employees; or
- 1417           2. Retirement benefits owed to former employees.
- 1418           (e) An unreserved or total fund balance or retained
- 1419 earnings deficit, or unrestricted or total net assets deficit,
- 1420 as reported on the balance sheet or statement of net assets on
- 1421 the general purpose or fund financial statements, for which
- 1422 sufficient resources of the local governmental entity, as
- 1423 reported on the balance sheet or statement of net assets on the
- 1424 general purpose or fund financial statements, are not available
- 1425 to cover the deficit. Resources available to cover reported
- 1426 deficits include net assets that are not otherwise restricted by
- 1427 federal, state, or local laws, bond covenants, contractual
- 1428 agreements, or other legal constraints. Fixed or capital assets,
- 1429 the disposal of which would impair the ability of a local
- 1430 governmental entity to carry out its functions, are not
- 1431 considered resources available to cover reported deficits.
- 1432           (2) A local governmental entity shall notify the Governor
- 1433 and the Legislative Auditing Committee, a charter school shall
- 1434 notify the charter school sponsor and the Legislative Auditing
- 1435 Committee, and a district school board shall notify the
- 1436 Commissioner of Education and the Legislative Auditing
- 1437 Committee, when one or more of the conditions specified in

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1438 subsection (1) have occurred or will occur if action is not  
 1439 taken to assist the local governmental entity, charter school,  
 1440 or district school board. In addition, any state agency must,  
 1441 within 30 days after a determination that one or more of the  
 1442 conditions specified in subsection (1) have occurred or will  
 1443 occur if action is not taken to assist the local governmental  
 1444 entity, charter school, or district school board, notify the  
 1445 Governor, charter school sponsor, or the Commissioner of  
 1446 Education, as appropriate, and the Legislative Auditing  
 1447 Committee.

1448 (3) Upon notification that one or more of the conditions  
 1449 in subsection (1) exist, the Governor or his or her designee  
 1450 shall contact the local governmental entity or the Commissioner  
 1451 of Education or his or her designee shall contact the district  
 1452 school board to determine what actions have been taken by the  
 1453 local governmental entity or the district school board to  
 1454 resolve the condition. The Governor or the Commissioner of  
 1455 Education, as appropriate, shall determine whether the local  
 1456 governmental entity or the district school board needs state  
 1457 assistance to resolve the condition. If state assistance is  
 1458 needed, the local governmental entity or district school board  
 1459 is considered to be in a state of financial emergency. The  
 1460 Governor or the Commissioner of Education, as appropriate, has  
 1461 the authority to implement measures as set forth in ss. 218.50-  
 1462 218.504 to assist the local governmental entity or district  
 1463 school board in resolving the financial emergency. Such measures  
 1464 may include, but are not limited to:

1465 (a) Requiring approval of the local governmental entity's  
 1466 budget by the Governor or approval of the district school  
 1467 board's budget by the Commissioner of Education.

1468 (b) Authorizing a state loan to a local governmental  
 1469 entity and providing for repayment of same.

1470 (c) Prohibiting a local governmental entity or district  
 1471 school board from issuing bonds, notes, certificates of  
 1472 indebtedness, or any other form of debt until such time as it is  
 1473 no longer subject to this section.

1474 (d) Making such inspections and reviews of records,  
 1475 information, reports, and assets of the local governmental  
 1476 entity or district school board. The appropriate local officials  
 1477 shall cooperate in such inspections and reviews.

1478 (e) Consulting with officials and auditors of the local  
 1479 governmental entity or the district school board and the  
 1480 appropriate state officials regarding any steps necessary to  
 1481 bring the books of account, accounting systems, financial  
 1482 procedures, and reports into compliance with state requirements.

1483 (f) Providing technical assistance to the local  
 1484 governmental entity or the district school board.

1485 (g)1. Establishing a financial emergency board to oversee  
 1486 the activities of the local governmental entity or the district  
 1487 school board. If a financial emergency board is established for  
 1488 a local governmental entity, the Governor shall appoint board  
 1489 members and select a chair. If a financial emergency board is  
 1490 established for a district school board, the State Board of  
 1491 Education shall appoint board members and select a chair. The

1492 financial emergency board shall adopt such rules as are  
 1493 necessary for conducting board business. The board may:

1494       a. Make such reviews of records, reports, and assets of  
 1495 the local governmental entity or the district school board as  
 1496 are needed.

1497       b. Consult with officials and auditors of the local  
 1498 governmental entity or the district school board and the  
 1499 appropriate state officials regarding any steps necessary to  
 1500 bring the books of account, accounting systems, financial  
 1501 procedures, and reports of the local governmental entity or the  
 1502 district school board into compliance with state requirements.

1503       c. Review the operations, management, efficiency,  
 1504 productivity, and financing of functions and operations of the  
 1505 local governmental entity or the district school board.

1506       2. The recommendations and reports made by the financial  
 1507 emergency board must be submitted to the Governor for local  
 1508 governmental entities or to the Commissioner of Education and  
 1509 the State Board of Education for district school boards for  
 1510 appropriate action.

1511       (h) Requiring and approving a plan, to be prepared by  
 1512 officials of the local governmental entity or the district  
 1513 school board in consultation with the appropriate state  
 1514 officials, prescribing actions that will cause the local  
 1515 governmental entity or district school board to no longer be  
 1516 subject to this section. The plan must include, but need not be  
 1517 limited to:

1518 1. Provision for payment in full of obligations outlined  
1519 in subsection (1), designated as priority items, that are  
1520 currently due or will come due.

1521 2. Establishment of priority budgeting or zero-based  
1522 budgeting in order to eliminate items that are not affordable.

1523 3. The prohibition of a level of operations which can be  
1524 sustained only with nonrecurring revenues.

1525 (4) Upon notification that one or more of the conditions  
1526 in subsection (1) exist, the charter school sponsor or the  
1527 sponsor's designee shall contact the charter school governing  
1528 board to determine what actions have been taken by the charter  
1529 school governing board to resolve the condition. The charter  
1530 school sponsor has the authority to require and approve a  
1531 financial recovery plan, to be prepared by the charter school  
1532 governing board, prescribing actions that will cause the charter  
1533 school to no longer be subject to this section. The Department  
1534 of Education must establish guidelines for developing such  
1535 plans.

1536 ~~(5)(4)~~ A local governmental entity or district school  
1537 board may not seek application of laws under the bankruptcy  
1538 provisions of the United States Constitution except with the  
1539 prior approval of the Governor for local governmental entities  
1540 or the Commissioner of Education for district school boards.

1541 ~~(6)(5)(a)~~ The governing authority of any municipality  
1542 having a resident population of 300,000 or more on or after  
1543 April 1, 1999, which has been declared in a state of financial  
1544 emergency pursuant to this section may impose a discretionary  
1545 per-vehicle surcharge of up to 20 percent on the gross revenues



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1546 of the sale, lease, or rental of space at parking facilities  
1547 within the municipality which are open for use to the general  
1548 public.

1549 (b) A municipal governing authority that imposes the  
1550 surcharge authorized by this subsection may use the proceeds of  
1551 such surcharge for the following purposes only:

1552 1. No less than 60 percent and no more than 80 percent of  
1553 the surcharge proceeds shall be used by the governing authority  
1554 to reduce its ad valorem tax millage rate or to reduce or  
1555 eliminate non-ad valorem assessments.

1556 2. A portion of the balance of the surcharge proceeds  
1557 shall be used by the governing authority to increase its budget  
1558 reserves; however, the governing authority shall not reduce the  
1559 amount it allocates for budget reserves from other sources below  
1560 the amount allocated for reserves in the fiscal year prior to  
1561 the year in which the surcharge is initially imposed. When a 15-  
1562 percent budget reserve is achieved, based on the average gross  
1563 revenue for the most recent 3 prior fiscal years, the remaining  
1564 proceeds from this subparagraph shall be used for the payment of  
1565 annual debt service related to outstanding obligations backed or  
1566 secured by a covenant to budget and appropriate from non-ad  
1567 valorem revenues.

1568 (c) This subsection expires June 30, 2006.

1569 Section 6. Subsection (1) of section 218.504, Florida  
1570 Statutes, is amended to read:

1571 218.504 Cessation of state action.--The Governor or the  
1572 Commissioner of Education, as appropriate, has the authority to  
1573 terminate all state actions pursuant to ss. 218.50-218.504.

1574 Cessation of state action must not occur until the Governor or  
 1575 the Commissioner of Education, as appropriate, has determined  
 1576 that:

1577 (1) The local governmental entity, charter school, or  
 1578 district school board:

1579 (a) Has established and is operating an effective  
 1580 financial accounting and reporting system.

1581 (b) Has resolved the conditions outlined in s. 218.503(1).

1582 Section 7. Paragraph (e) of subsection (7) and subsection  
 1583 (8) of section 11.45, Florida Statutes, are amended to read:

1584 11.45 Definitions; duties; authorities; reports; rules.--

1585 (7) AUDITOR GENERAL REPORTING REQUIREMENTS.--

1586 (e) The Auditor General shall notify the Governor or the  
 1587 Commissioner of Education, as appropriate, and the Legislative  
 1588 Auditing Committee of any audit report reviewed by the Auditor  
 1589 General pursuant to paragraph (b) which contains a statement  
 1590 that a local governmental entity, charter school, or district  
 1591 school board has met one or more of the conditions specified in  
 1592 s. 218.503. If the Auditor General requests a clarification  
 1593 regarding information included in an audit report to determine  
 1594 whether a local governmental entity, charter school, or district  
 1595 school board has met one or more of the conditions specified in  
 1596 s. 218.503, the requested clarification must be provided within  
 1597 45 days after the date of the request. If the local governmental  
 1598 entity, charter school, or district school board does not comply  
 1599 with the Auditor General's request, the Auditor General shall  
 1600 notify the Legislative Auditing Committee. If, after obtaining  
 1601 the requested clarification, the Auditor General determines that

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1602 the local governmental entity, charter school, or district  
 1603 school board has met one or more of the conditions specified in  
 1604 s. 218.503, he or she shall notify the Governor or the  
 1605 Commissioner of Education, as appropriate, and the Legislative  
 1606 Auditing Committee.

1607 (8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in  
 1608 consultation with the Board of Accountancy, shall adopt rules  
 1609 for the form and conduct of all financial audits performed by  
 1610 independent certified public accountants pursuant to ss.  
 1611 215.981, 218.39, 1001.453, 1004.28, and 1004.70. The rules for  
 1612 audits of local governmental entities, charter schools, and  
 1613 district school boards must include, but are not limited to,  
 1614 requirements for the reporting of information necessary to carry  
 1615 out the purposes of the Local Governmental Entity, Charter  
 1616 School, and District School Board Financial Emergencies Act as  
 1617 stated in s. 218.501.

1618 Section 8. Subsection (1) and paragraph (a) of subsection  
 1619 (2) of section 166.271, Florida Statutes, are amended to read:

1620 166.271 Surcharge on municipal facility parking fees.--

1621 (1) The governing authority of any municipality with a  
 1622 resident population of 200,000 or more, more than 20 percent of  
 1623 the real property of which is exempt from ad valorem taxes, and  
 1624 which is located in a county with a population of more than  
 1625 500,000 may impose and collect, subject to referendum approval  
 1626 by voters in the municipality, a discretionary per vehicle  
 1627 surcharge of up to 15 percent of the amount charged for the  
 1628 sale, lease, or rental of space at parking facilities within the  
 1629 municipality which are open for use to the general public and

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1630 | which are not airports, seaports, county administration  
 1631 | buildings, or other projects as defined under ss. 125.011 and  
 1632 | 125.015, provided that this surcharge shall not take effect  
 1633 | while any surcharge imposed pursuant to s. 218.503(6)+~~5~~(a), is  
 1634 | in effect.

1635 |         (2) A municipal governing authority that imposes the  
 1636 | surcharge authorized by this subsection may use the proceeds of  
 1637 | such surcharge for the following purposes only:

1638 |             (a) No less than 60 percent and no more than 80 percent of  
 1639 | surcharge proceeds shall be used to reduce the municipality's ad  
 1640 | valorem tax millage or to reduce or eliminate non-ad valorem  
 1641 | assessments, unless the municipality has previously used the  
 1642 | proceeds from the surcharge levied under s. 218.503(6)+~~5~~(b) to  
 1643 | reduce the municipality's ad valorem tax millage or to reduce  
 1644 | non-ad valorem assessments.

1645 |         Section 9. Paragraph (a) of subsection (9) and paragraph  
 1646 | (b) of subsection (11) of section 1002.32, Florida Statutes, are  
 1647 | amended to read:

1648 |         1002.32 Developmental research (laboratory) schools.--

1649 |             (9) FUNDING.--Funding for a lab school, including a  
 1650 | charter lab school, shall be provided as follows:

1651 |             (a) Each lab school shall be allocated its proportional  
 1652 | share of operating funds from the Florida Education Finance  
 1653 | Program as provided in s. 1011.62 based on the county in which  
 1654 | the lab school is located and the General Appropriations Act.  
 1655 | The nonvoted ad valorem millage that would otherwise be required  
 1656 | for lab schools shall be allocated from state funds. The  
 1657 | required local effort funds calculated pursuant to s. 1011.62

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1658 shall be allocated from state funds to the schools as a part of  
 1659 the allocation of operating funds pursuant to s. 1011.62. Each  
 1660 eligible lab school in operation as of September 1, 2002, shall  
 1661 also receive a proportional share of the sparsity supplement as  
 1662 calculated pursuant to s. 1011.62. In addition, each lab school  
 1663 shall receive its proportional share of all categorical funds,  
 1664 with the exception of s. 1011.68, and new categorical funds  
 1665 enacted after July 1, 1994, for the purpose of elementary or  
 1666 secondary academic program enhancement. However, if a lab  
 1667 school, in the fulfillment of its requirements to have a  
 1668 representative student population pursuant to subsection (4),  
 1669 elects to provide student transportation, the lab school shall  
 1670 be eligible for funding pursuant to s. 1011.68. The sum of funds  
 1671 available as provided in this paragraph shall be included  
 1672 annually in the Florida Education Finance Program and  
 1673 appropriate categorical programs funded in the General  
 1674 Appropriations Act.

1675 (11) EXCEPTIONS TO LAW.--To encourage innovative practices  
 1676 and facilitate the mission of the lab schools, in addition to  
 1677 the exceptions to law specified in s. 1001.23(2), the following  
 1678 exceptions shall be permitted for lab schools:

1679 (b) With the exception of s. 1001.42(16), s. 1001.42 shall  
 1680 be held in abeyance, except that a lab school, in the  
 1681 fulfillment of its requirements to have a representative student  
 1682 population pursuant to subsection (4), may elect to provide  
 1683 transportation in accordance with s. 1001.42(8). Reference to  
 1684 district school boards in s. 1001.42(16) shall mean the  
 1685 president of the university or the president's designee.

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1686 Section 10. Subsection (3) of section 1003.05, Florida  
1687 Statutes, is amended to read:

1688 1003.05 Assistance to transitioning students from military  
1689 families.--

1690 (3) Dependent children of active duty military personnel  
1691 who otherwise meet the eligibility criteria for special academic  
1692 programs offered through public schools shall be given first  
1693 preference for admission to such programs even if the program is  
1694 being offered through a public school other than the school to  
1695 which the student would generally be assigned and the school at  
1696 which the program is being offered has reached its maximum  
1697 enrollment. If such a program is offered through a public school  
1698 other than the school to which the student would generally be  
1699 assigned, the parent or guardian of the student must assume  
1700 responsibility for transporting the student to that school. For  
1701 purposes of this subsection, special academic programs include  
1702 ~~charter schools~~, magnet schools, advanced studies programs,  
1703 advanced placement, dual enrollment, and International  
1704 Baccalaureate.

1705 Section 11. Effective July 1, 2006, subsection (2) of  
1706 section 1012.74, Florida Statutes, is amended to read:

1707 1012.74 Florida educators professional liability insurance  
1708 protection.--

1709 (2)(a) Educator professional liability coverage for all  
1710 instructional personnel, including charter school instructional  
1711 personnel, as defined by s. 1012.01(2), who are full-time  
1712 personnel, as defined by the district school board policy, shall

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1713 | be provided by specific appropriations under the General  
1714 | Appropriations Act.

1715 |         (b) Educator professional liability coverage shall be  
1716 | extended at cost to all instructional personnel, including  
1717 | charter school instructional personnel, as defined by s.  
1718 | 1012.01(2), who are part-time personnel, as defined by the  
1719 | district school board policy, and choose to participate in the  
1720 | state-provided program.

1721 |         (c) Educator professional liability coverage shall be  
1722 | extended at cost to all administrative personnel, including  
1723 | administrative personnel in charter schools, as defined by s.  
1724 | 1012.01(3), who choose to participate in the state-provided  
1725 | program.

1726 |         Section 12. Section 1013.62, Florida Statutes, is amended  
1727 | to read:

1728 |         1013.62 Charter schools capital outlay funding.--

1729 |         (1) In each year in which funds are appropriated for  
1730 | charter school capital outlay purposes, the Commissioner of  
1731 | Education shall allocate the funds among eligible charter  
1732 | schools. To be eligible for a funding allocation, a charter  
1733 | school must be one of the following:

1734 |             (a) The same school that received capital outlay funding  
1735 | in 2002-2003.

1736 |             (b) A charter school that is an expanded feeder pattern of  
1737 | a charter school that received capital outlay funding in 2002-  
1738 | 2003.

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1739        (2) If an appropriation for charter school capital outlay  
 1740 funds is less than the 2002-2003 appropriation, the funds shall  
 1741 be prorated among schools eligible pursuant to subsection (1).

1742        (3) If an appropriation for charter school capital outlay  
 1743 funds is greater than the 2002-2003 appropriation, the funds  
 1744 shall be allocated to schools eligible pursuant to subsection  
 1745 (1) and to charter schools that:

1746            (a)1. Have been in operation for 3 or more years;

1747            2. Are ~~Be~~ an expanded feeder chain of a charter school  
 1748 within the same school district that is currently receiving  
 1749 charter school capital outlay funds; or

1750            3. Have been accredited by the Commission on Schools of  
 1751 the Southern Association of Colleges and Schools.

1752            (b) Have financial stability for future operation as a  
 1753 charter school.

1754            (c) Have received a school grade of "A" or "B," pursuant  
 1755 to s. 1008.34, during 3 of the past 4 school years ~~satisfactory~~  
 1756 ~~student achievement based on state accountability standards~~  
 1757 ~~applicable to the charter school.~~

1758            (d) Have received final approval from its sponsor pursuant  
 1759 to s. 1002.33 for operation during that fiscal year.

1760            (e) Serve students in facilities that are not provided by  
 1761 the charter school's sponsor.

1762  
 1763 First priority for allocating the amount in excess of the 2002-  
 1764 2003 appropriation shall be to prorate the excess funds among  
 1765 charter schools with long-term debt or long-term lease to the  
 1766 extent that the initial allocation is insufficient to provide



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1767 | one-fifteenth of the cost-per-student station specified in s.  
 1768 | 1013.64(6)(b) and second priority shall be to other eligible  
 1769 | charter schools. Prior to the release of capital outlay funds to  
 1770 | a school district on behalf of the charter school, the  
 1771 | Department of Education shall ensure that the district school  
 1772 | board and the charter school governing board enter into a  
 1773 | written agreement that includes provisions for the reversion of  
 1774 | any unencumbered funds and all equipment and property purchased  
 1775 | with public education funds to the ownership of the district  
 1776 | school board, as provided for in subsection (5)~~(3)~~, in the event  
 1777 | that the school terminates operations. Any funds recovered by  
 1778 | the state shall be deposited in the General Revenue Fund. A  
 1779 | charter school is not eligible for a funding allocation if it  
 1780 | was created by the conversion of a public school and operates in  
 1781 | facilities provided by the charter school's sponsor for a  
 1782 | nominal fee or at no charge or if it is directly or indirectly  
 1783 | operated by the school district. Unless otherwise provided in  
 1784 | the General Appropriations Act, the funding allocation for each  
 1785 | eligible charter school shall be determined by multiplying the  
 1786 | school's projected student enrollment by one-fifteenth of the  
 1787 | cost-per-student station specified in s. 1013.64(6)(b) for an  
 1788 | elementary, middle, or high school, as appropriate. If the funds  
 1789 | appropriated are not sufficient, the commissioner shall prorate  
 1790 | the available funds among eligible charter schools. However, no  
 1791 | charter school or charter lab school shall receive state charter  
 1792 | school capital outlay funds in excess of the one-fifteenth cost  
 1793 | per student station formula if the charter school's combination  
 1794 | of state charter school capital outlay funds, capital outlay

1795 funds calculated through the reduction in the administrative fee  
 1796 provided in s. 1002.33(20), and capital outlay funds allowed in  
 1797 s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per  
 1798 student station formula. Funds shall be distributed on the basis  
 1799 of the capital outlay full-time equivalent membership by grade  
 1800 level, which shall be calculated by averaging the results of the  
 1801 second and third enrollment surveys. The Department of Education  
 1802 shall distribute capital outlay funds monthly, beginning in the  
 1803 first quarter of the fiscal year, based on one-twelfth of the  
 1804 amount the department reasonably expects the charter school to  
 1805 receive during that fiscal year. The commissioner shall adjust  
 1806 subsequent distributions as necessary to reflect each charter  
 1807 school's actual student enrollment as reflected in the second  
 1808 and third enrollment surveys. The commissioner shall establish  
 1809 the intervals and procedures for determining the projected and  
 1810 actual student enrollment of eligible charter schools.

1811 ~~(4)(2)~~ A charter school's governing body may use charter  
 1812 school capital outlay funds for the following purposes:

- 1813 (a) Purchase of real property.
- 1814 (b) Construction of school facilities.
- 1815 (c) Purchase, lease-purchase, or lease of permanent or  
 1816 relocatable school facilities.
- 1817 (d) Purchase of vehicles to transport students to and from  
 1818 the charter school.
- 1819 (e) Renovation, repair, and maintenance of school  
 1820 facilities that the charter school owns or is purchasing through  
 1821 a lease-purchase or long-term lease of 5 years or longer or  
 1822 furnishing or equipping such facilities.

1823  
1824 Conversion charter schools may use capital outlay funds received  
1825 through the reduction in the administrative fee provided in s.  
1826 1002.33(20) for renovation, repair, and maintenance of school  
1827 facilities that are owned by the sponsor.

1828       (5)~~(3)~~ When a charter school is nonrenewed or terminated,  
1829 any unencumbered funds and all equipment and property purchased  
1830 with district public funds shall revert to the ownership of the  
1831 district school board, as provided for in s. 1002.33(8)(e) and  
1832 (f). In the case of a charter lab school, any unencumbered funds  
1833 and all equipment and property purchased with university public  
1834 funds shall revert to the ownership of the state university that  
1835 issued the charter. The reversion of such equipment, property,  
1836 and furnishings shall focus on recoverable assets, but not on  
1837 intangible or irrecoverable costs such as rental or leasing  
1838 fees, normal maintenance, and limited renovations. The reversion  
1839 of all property secured with public funds is subject to the  
1840 complete satisfaction of all lawful liens or encumbrances. If  
1841 there are additional local issues such as the shared use of  
1842 facilities or partial ownership of facilities or property, these  
1843 issues shall be agreed to in the charter contract prior to the  
1844 expenditure of funds.

1845       (6)~~(4)~~ The Commissioner of Education shall specify  
1846 procedures for submitting and approving requests for funding  
1847 under this section and procedures for documenting expenditures.

1848       (7)~~(5)~~ The annual legislative budget request of the  
1849 Department of Education shall include a request for capital  
1850 outlay funding for charter schools. The request shall be based

1851 on the projected number of students to be served in charter  
 1852 schools who meet the eligibility requirements of this section. A  
 1853 dedicated funding source, if identified in writing by the  
 1854 Commissioner of Education and submitted along with the annual  
 1855 charter school legislative budget request, may be considered an  
 1856 additional source of funding.

1857 (8)~~(6)~~ Unless authorized otherwise by the Legislature,  
 1858 allocation and proration of charter school capital outlay funds  
 1859 shall be made to eligible charter schools by the Commissioner of  
 1860 Education in an amount and in a manner authorized by subsections  
 1861 (2) and (3) ~~subsection (1)~~.

1862 ~~(7) Notwithstanding the provisions of this section,~~  
 1863 ~~beginning in the 2003-2004 fiscal year:~~

1864 ~~(a) If the appropriation for charter school capital outlay~~  
 1865 ~~funds is no greater than the 2002-2003 appropriation, the funds~~  
 1866 ~~shall be allocated according to the formula outlined in~~  
 1867 ~~subsection (1) to:~~

1868 ~~1. The same schools that received funding in 2002-2003.~~

1869 ~~2. Schools that are an expanded feeder pattern of schools~~  
 1870 ~~that received funding in 2002-2003.~~

1871 ~~3. Schools that have an approved charter and are serving~~  
 1872 ~~students at the start of the 2003-2004 school year and either~~  
 1873 ~~incurred long-term financial obligations prior to January 31,~~  
 1874 ~~2003, or began construction on educational facilities prior to~~  
 1875 ~~December 31, 2002.~~

1876 ~~(b) If the appropriation for charter school capital outlay~~  
 1877 ~~funds is less than the 2002-2003 appropriation, the funds shall~~  
 1878 ~~be prorated among the schools eligible in paragraph (a).~~

1879 ~~(c) If the appropriation for charter school capital outlay~~  
 1880 ~~funds is greater than the 2002-2003 appropriation, the amount of~~  
 1881 ~~funds provided in the 2002-2003 appropriation shall be allocated~~  
 1882 ~~according to paragraph (a). First priority for allocating the~~  
 1883 ~~amount in excess of the 2002-2003 appropriation shall be to~~  
 1884 ~~prorate the excess funds among the charter schools with long-~~  
 1885 ~~term debt or long-term lease to the extent that the initial~~  
 1886 ~~allocation is insufficient to provide one-fifteenth of the cost~~  
 1887 ~~per student station specified in s. 1013.64(6)(b), and second~~  
 1888 ~~priority shall be to other eligible charter schools.~~

1889 Section 13. Charter School Task Force.--

1890 (1) The Charter School Task Force is established to study  
 1891 and make recommendations regarding charter schools in the state.

1892 (2) The task force shall, at a minimum:

1893 (a) Review current application and sponsorship procedures  
 1894 used throughout the state for the approval of charter schools.

1895 (b) Examine the sponsorship and organizational structure  
 1896 of charter schools in other states.

1897 (c) Investigate alternative means available in the state  
 1898 to implement changes in the sponsorship of charter schools.

1899 (d) Conduct meetings throughout the state to receive  
 1900 public input and consider policy recommendations on issues  
 1901 related to charter schools.

1902 (e) Issue a final report and recommendations by December  
 1903 31, 2005, to the Governor, the President of the Senate, and the  
 1904 Speaker of the House of Representatives.

1905 (3) The task force shall consist of:

1906           (a) Up to four members of the House of Representatives  
 1907 appointed by the Speaker of the House of Representatives.  
 1908           (b) Up to four members of the Senate appointed by the  
 1909 President of the Senate.  
 1910           (c) Up to four charter school stakeholders appointed by  
 1911 the Governor, to include a representative of a charter school, a  
 1912 representative of a school district, a representative of a  
 1913 statewide association, and a representative with experience in  
 1914 charter school law.  
 1915           (4) The Governor shall appoint the chair of the task force  
 1916 from among the appointed members.  
 1917           (5) Task force members shall serve without compensation  
 1918 but are entitled to reimbursement, pursuant to s. 112.061,  
 1919 Florida Statutes, for per diem and travel expenses incurred in  
 1920 the performance of their official duties.  
 1921           (6) The Department of Education shall provide staff  
 1922 support for the task force.  
 1923           Section 14. Except as otherwise provided herein, this act  
 1924 shall take effect upon becoming a law.