

Amendment No.

CHAMBER ACTION

Senate

House

.

---

1 Representative Rizo offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 1001.4205, Florida Statutes, is amended  
6 to read:

7 1001.4205 Individuals authorized to visit schools

8 ~~Visitation of schools by an individual school board or charter~~  
9 ~~school governing board member.~~—An individual member of a

10 district school board may, on any day and at any time at his or

11 her pleasure, visit any district school in his or her school

12 district. An individual charter school governing board member

13 may, on any day and at any time at his or her pleasure, visit

496561

3/8/2022 7:40 PM

Amendment No.

14 any charter school governed by the charter school's governing  
15 board. A member of the Legislature may visit any public school  
16 in the legislative district of the member. An individual  
17 visiting a school pursuant to this section ~~The board member~~ must  
18 sign in and sign out at the school's main office and wear his or  
19 her ~~board~~ identification badge at all times while present on  
20 school premises. The board, the school, or any other person or  
21 entity, including, but not limited to, the principal of the  
22 school, the school superintendent, or any other board member,  
23 may not require an individual visiting the school pursuant to  
24 this section ~~the visiting board member~~ to provide notice before  
25 visiting the school. The school may offer, but may not require,  
26 an escort to accompany an individual visiting the school  
27 pursuant to this section ~~a visiting board member~~ during the  
28 visit. Another board member or a district employee, including,  
29 but not limited to, the superintendent, the school principal, or  
30 his or her designee, may not limit the duration or scope of the  
31 visit or direct an individual visiting the school pursuant to  
32 this section ~~a visiting board member~~ to leave the premises. A  
33 board, district, or school administrative policy or practice may  
34 not prohibit or limit the authority granted to an individual ~~a~~  
35 ~~board member~~ under this section.

36 Section 2. Section 1002.3301, Florida Statutes, is created  
37 to read:

496561

3/8/2022 7:40 PM

Amendment No.

38       1002.3301 Charter School Review Commission.—Subject to an  
39 appropriation, the Charter School Review Commission is created  
40 within the Department of Education to review and approve  
41 applications for charter schools overseen by district school  
42 boards.

43       (1) The commission shall consist of seven members who have  
44 charter school experience, selected by the State Board of  
45 Education and subject to confirmation by the Senate. The  
46 commissioner shall designate one member as the chair. Each  
47 member shall be appointed to a 4-year term. However, for the  
48 purpose of achieving staggered terms, of the initial  
49 appointments, three members shall be appointed to 2-year terms  
50 and four members shall be appointed to 4-year terms. All  
51 subsequent appointments shall be for 4-year terms. A majority of  
52 the members of the commission constitutes a quorum.

53       (2) The commission has the same powers and duties as  
54 sponsors pursuant to s. 1002.33 in regard to reviewing and  
55 approving charter schools.

56       (3) The Department of Education shall contract with a  
57 college or university to provide administrative and technical  
58 assistance to the commission by reviewing and providing an  
59 analysis of charter school applications submitted to the  
60 commission.

61       (4) The district school board of the school district in  
62 which the proposed charter school will be located shall be the

496561

3/8/2022 7:40 PM

Amendment No.

63 sponsor of and supervisor for the new charter school and shall  
64 provide an initial proposed charter contract to the charter  
65 school pursuant to s. 1002.33(7) (b) within 30 calendar days  
66 after the commission's decision granting an application.

67 (5) Within 3 calendar days after an applicant submits an  
68 application for a charter school to the commission, the  
69 applicant must also provide a copy of the application to the  
70 school district in which the proposed charter school will be  
71 located. Within 30 calendar days after receiving a copy of the  
72 application, the school district may provide input to the  
73 commission on a form prescribed by the department. The  
74 commission must consider such input in reviewing the  
75 application.

76 (6) The decisions of the commission may be appealed in  
77 accordance with s. 1002.33(6) (c).

78 (7) The State Board of Education shall adopt rules to  
79 implement this section.

80 Section 3. Subsection (2), paragraphs (a) and (b) of  
81 subsection (5), paragraph (c) of subsection (7), paragraph (a)  
82 of subsection (8), paragraph (p) of subsection (9), paragraphs  
83 (a), (c), and (f) of subsection (18), and paragraph (a) of  
84 subsection (20) of section 1002.33, Florida Statutes, are  
85 amended to read:

86 1002.33 Charter schools.—

87 (2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

496561

3/8/2022 7:40 PM

Amendment No.

88 (a) Charter schools in Florida shall be guided by the  
89 following principles:

90 1. Meet high standards of student achievement while  
91 providing parents flexibility to choose among diverse  
92 educational opportunities within this ~~the~~ state's public school  
93 system.

94 2. Promote enhanced academic success and financial  
95 efficiency by aligning responsibility with accountability.

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

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

101 1. Improve student learning and academic achievement.

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

104 3. Encourage the use of innovative learning methods.

105 4. Require the measurement of learning outcomes.

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

107 1. Create innovative measurement tools.

108 2. Provide rigorous competition within the public school  
109 system to stimulate continual improvement in all public schools.

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

111 4. Mitigate the educational impact created by the  
112 development of new residential dwelling units.

496561

3/8/2022 7:40 PM

Amendment No.

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

115 (d) It is the intent of the Legislature that charter  
116 school students be considered as important as all other students  
117 in this state and, to that end, comparable funding levels from  
118 existing and future sources should be maintained for charter  
119 school students.

120 (5) SPONSOR; DUTIES.—

121 (a) *Sponsoring entities.*—

122 1. A district school board may sponsor a charter school in  
123 the county over which the district school board has  
124 jurisdiction.

125 2. A state university may grant a charter to a lab school  
126 created under s. 1002.32 and shall be considered to be the  
127 school's sponsor. Such school shall be considered a charter lab  
128 school.

129 3. Because needs relating to educational capacity,  
130 workforce qualifications, and career education opportunities are  
131 constantly changing and extend beyond school district  
132 boundaries:

133 a. A state university may, upon approval by the Department  
134 of Education, solicit applications and sponsor a charter school  
135 to meet regional education or workforce demands by serving  
136 students from multiple school districts.

496561

3/8/2022 7:40 PM

Amendment No.

137           b. A Florida College System institution may, upon approval  
138 by the Department of Education, solicit applications and sponsor  
139 a charter school in any county within its service area to meet  
140 workforce demands and may offer postsecondary programs leading  
141 to industry certifications to eligible charter school students.  
142 A charter school established under subparagraph (b)4. may not be  
143 sponsored by a Florida College System institution until its  
144 existing charter with the school district expires as provided  
145 under subsection (7).

146           c. Notwithstanding paragraph (6)(b), a state university or  
147 Florida College System institution may, at its discretion, deny  
148 an application for a charter school.

149           d. The Charter School Review Commission, as authorized  
150 under s. 1002.3301, may solicit and review applications for  
151 charter schools overseen by district school boards and, upon the  
152 commission approving an application, the district school board  
153 that oversees the school district in which the charter school  
154 will be located shall serve as sponsor.

155           (b) *Sponsor duties.*—

156           1.a. The sponsor shall monitor and review the charter  
157 school in its progress toward the goals established in the  
158 charter.

159           b. The sponsor shall monitor the revenues and expenditures  
160 of the charter school and perform the duties provided in s.  
161 1002.345.

496561

3/8/2022 7:40 PM

Amendment No.

162 c. The sponsor may approve a charter for a charter school  
163 before the applicant has identified space, equipment, or  
164 personnel, if the applicant indicates approval is necessary for  
165 it to raise working funds.

166 d. The sponsor may ~~shall~~ not apply its policies to a  
167 charter school unless mutually agreed to by both the sponsor and  
168 the charter school. If the sponsor subsequently amends any  
169 agreed-upon sponsor policy, the version of the policy in effect  
170 at the time of the execution of the charter, or any subsequent  
171 modification thereof, shall remain in effect and the sponsor may  
172 not hold the charter school responsible for any provision of a  
173 newly revised policy until the revised policy is mutually agreed  
174 upon.

175 e. The sponsor shall ensure that the charter is innovative  
176 and consistent with the state education goals established by s.  
177 1000.03(5).

178 f. The sponsor shall ensure that the charter school  
179 participates in the state's education accountability system. If  
180 a charter school falls short of performance measures included in  
181 the approved charter, the sponsor shall report such shortcomings  
182 to the Department of Education.

183 g. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages  
184 under state law for personal injury, property damage, or death  
185 resulting from an act or omission of an officer, employee,  
186 agent, or governing body of the charter school.

496561

3/8/2022 7:40 PM



Amendment No.

187 h. The sponsor ~~is shall~~ not ~~be~~ liable for civil damages  
188 under state law for any employment actions taken by an officer,  
189 employee, agent, or governing body of the charter school.

190 i. The sponsor's duties to monitor the charter school do  
191 ~~shall~~ not constitute the basis for a private cause of action.

192 j. The sponsor may ~~shall~~ not impose additional reporting  
193 requirements on a charter school as long as the charter school  
194 has not been identified as having a deteriorating financial  
195 condition or financial emergency pursuant to s. 1002.345 ~~without~~  
196 ~~providing reasonable and specific justification in writing to~~  
197 ~~the charter school.~~

198 k. The sponsor shall submit an annual report to the  
199 Department of Education in a web-based format to be determined  
200 by the department.

201 (I) The report shall include the following information:

202 (A) The number of applications received during the school  
203 year and up to August 1 and each applicant's contact  
204 information.

205 (B) The date each application was approved, denied, or  
206 withdrawn.

207 (C) The date each final contract was executed.

208 (II) Annually, by November 1, the sponsor shall submit to  
209 the department the information for the applications submitted  
210 the previous year.

496561

3/8/2022 7:40 PM

Amendment No.

211 (III) The department shall compile an annual report, by  
212 sponsor, and post the report on its website by January 15 of  
213 each year.

214 2. Immunity for the sponsor of a charter school under  
215 subparagraph 1. applies only with respect to acts or omissions  
216 not under the sponsor's direct authority as described in this  
217 section.

218 3. This paragraph does not waive a sponsor's sovereign  
219 immunity.

220 4. A Florida College System institution may work with the  
221 school district or school districts in its designated service  
222 area to develop charter schools that offer secondary education.  
223 These charter schools must include an option for students to  
224 receive an associate degree upon high school graduation. If a  
225 Florida College System institution operates an approved teacher  
226 preparation program under s. 1004.04 or s. 1004.85, the  
227 institution may operate charter schools that serve students in  
228 kindergarten through grade 12 in any school district within the  
229 service area of the institution. District school boards shall  
230 cooperate with and assist the Florida College System institution  
231 on the charter application. Florida College System institution  
232 applications for charter schools are not subject to the time  
233 deadlines outlined in subsection (6) and may be approved by the  
234 district school board at any time during the year. Florida  
235 College System institutions may not report FTE for any students

496561

3/8/2022 7:40 PM

Amendment No.

236 participating under this subparagraph who receive FTE funding  
237 through the Florida Education Finance Program.

238 5. For purposes of assisting the development of a charter  
239 school, a school district may enter into nonexclusive interlocal  
240 agreements with federal and state agencies, counties,  
241 municipalities, and other governmental entities that operate  
242 within the geographical borders of the school district to act on  
243 behalf of such governmental entities in the inspection,  
244 issuance, and other necessary activities for all necessary  
245 permits, licenses, and other permissions that a charter school  
246 needs in order for development, construction, or operation. A  
247 charter school may use, but may not be required to use, a school  
248 district for these services. The interlocal agreement must  
249 include, but need not be limited to, the identification of fees  
250 that charter schools will be charged for such services. The fees  
251 must consist of the governmental entity's fees plus a fee for  
252 the school district to recover no more than actual costs for  
253 providing such services. These services and fees are not  
254 included within the services to be provided pursuant to  
255 subsection (20). Notwithstanding any other provision of law, an  
256 interlocal agreement or ordinance that imposes a greater  
257 regulatory burden on charter schools than school districts or  
258 that between a school district and a federal or state agency,  
259 county, municipality, or other governmental entity which  
260 prohibits or limits the creation of a charter school ~~within the~~

496561

3/8/2022 7:40 PM

Amendment No.

261 ~~geographic borders of the school district~~ is void and  
262 unenforceable. An interlocal agreement entered into by a school  
263 district for the development of only its own schools, including  
264 provisions relating to the extension of infrastructure, may be  
265 used by charter schools.

266 6. The board of trustees of a sponsoring state university  
267 or Florida College System institution under paragraph (a) is the  
268 local educational agency for all charter schools it sponsors for  
269 purposes of receiving federal funds and accepts full  
270 responsibility for all local educational agency requirements and  
271 the schools for which it will perform local educational agency  
272 responsibilities. A student enrolled in a charter school that is  
273 sponsored by a state university or Florida College System  
274 institution may not be included in the calculation of the school  
275 district's grade under s. 1008.34(5) for the school district in  
276 which he or she resides.

277 (7) CHARTER.—The terms and conditions for the operation of  
278 a charter school shall be set forth by the sponsor and the  
279 applicant in a written contractual agreement, called a charter.  
280 The sponsor and the governing board of the charter school shall  
281 use the standard charter contract pursuant to subsection (21),  
282 which shall incorporate the approved application and any addenda  
283 approved with the application. Any term or condition of a  
284 proposed charter contract that differs from the standard charter  
285 contract adopted by rule of the State Board of Education shall

496561

3/8/2022 7:40 PM

Amendment No.

286 | be presumed a limitation on charter school flexibility. The  
287 | sponsor may not impose unreasonable rules or regulations that  
288 | violate the intent of giving charter schools greater flexibility  
289 | to meet educational goals. The charter shall be signed by the  
290 | governing board of the charter school and the sponsor, following  
291 | a public hearing to ensure community input.

292 | (c)1. A charter may be renewed provided that a program  
293 | review demonstrates that the criteria in paragraph (a) have been  
294 | successfully accomplished and that none of the grounds for  
295 | nonrenewal established by paragraph (8)(a) have ~~has~~ been  
296 | expressly found. The charter of a charter school that meets  
297 | these requirements and has received a school grade lower than a  
298 | "B" pursuant to s. 1008.34 in the most recently graded school  
299 | year must be renewed for no less than a 5-year term except as  
300 | provided in paragraph (9)(n) documented. In order to facilitate  
301 | long-term financing for charter school construction, charter  
302 | schools operating for a minimum of 3 years and demonstrating  
303 | exemplary academic programming and fiscal management are  
304 | eligible for a 15-year charter renewal. Such long-term charter  
305 | is subject to annual review and may be terminated during the  
306 | term of the charter.

307 | 2. The 15-year charter renewal that may be granted  
308 | pursuant to subparagraph 1. must ~~shall~~ be granted to a charter  
309 | school that has received a school grade of "A" or "B" pursuant  
310 | to s. 1008.34 in the most recently graded school year ~~3 of the~~

496561

3/8/2022 7:40 PM

Amendment No.

311 ~~past 4 years~~ and that is not in a state of financial emergency  
312 or deficit position as defined by this section. Such long-term  
313 charter is subject to annual review and may be terminated during  
314 the term of the charter pursuant to subsection (8).

315 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

316 (a) The sponsor shall make student academic achievement  
317 for all students the most important factor when determining  
318 whether to renew or terminate the charter. The sponsor may ~~also~~  
319 choose not to renew or may terminate the charter only if the  
320 sponsor expressly finds that one of the grounds set forth below  
321 exists by clear and convincing evidence:

322 1. Failure to participate in the state's education  
323 accountability system created in s. 1008.31, as required in this  
324 section, or failure to meet the requirements for student  
325 performance stated in the charter.

326 2. Failure to meet generally accepted standards of fiscal  
327 management due to deteriorating financial conditions or  
328 financial emergencies determined pursuant to s. 1002.345.

329 3. Material violation of law.

330 ~~4. Other good cause shown.~~

331 (9) CHARTER SCHOOL REQUIREMENTS.—

332 (p)1. Each charter school shall maintain a website that  
333 enables the public to obtain information regarding the school;  
334 the school's academic performance; the names of the governing  
335 board members; the programs at the school; any management

496561

3/8/2022 7:40 PM

Amendment No.

336 companies, service providers, or education management  
337 corporations associated with the school; the school's annual  
338 budget and its annual independent fiscal audit; the school's  
339 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
340 minutes of governing board meetings.

341 2. Each charter school's governing board must appoint a  
342 representative to facilitate parental involvement, provide  
343 access to information, assist parents and others with questions  
344 and concerns, and resolve disputes. The representative must  
345 reside in the school district in which the charter school is  
346 located and may be a governing board member, a charter school  
347 employee, or an individual contracted to represent the governing  
348 board. If the governing board oversees multiple charter schools  
349 in the same school district, the governing board must appoint a  
350 separate representative for each charter school in the district.  
351 The representative's contact information must be provided  
352 annually in writing to parents and posted prominently on the  
353 charter school's website. The sponsor may not require governing  
354 board members to reside in the school district in which the  
355 charter school is located if the charter school complies with  
356 this subparagraph.

357 3. Each charter school's governing board must hold at  
358 least two public meetings per school year in the school district  
359 where the charter school is located. The meetings must be  
360 noticed, open, and accessible to the public, and attendees must

496561

3/8/2022 7:40 PM

Amendment No.

361 be provided an opportunity to receive information and provide  
362 input regarding the charter school's operations. The appointed  
363 representative and charter school principal or director, or his  
364 or her designee, must be physically present at each meeting.  
365 Members of the governing board or any member of a committee  
366 formed or designated by the governing board may attend in person  
367 or by means of communications media technology used in  
368 accordance with rules adopted by the Administration Commission  
369 under s. 120.54(5).

370 (18) FACILITIES.—

371 (a) A startup charter school shall utilize facilities  
372 which comply with the Florida Building Code pursuant to chapter  
373 553 except for the State Requirements for Educational  
374 Facilities. Conversion charter schools shall utilize facilities  
375 that comply with the State Requirements for Educational  
376 Facilities provided that the school district and the charter  
377 school have entered into a mutual management plan for the  
378 reasonable maintenance of such facilities. The mutual management  
379 plan shall contain a provision by which the district school  
380 board agrees to maintain charter school facilities in the same  
381 manner as its other public schools within the district. Charter  
382 schools, with the exception of conversion charter schools, are  
383 not required to comply, but may choose to comply, with the State  
384 Requirements for Educational Facilities of the Florida Building  
385 Code adopted pursuant to s. 1013.37. The local governing

496561

3/8/2022 7:40 PM



Amendment No.

386 authority shall not adopt or impose any local building  
387 requirements or site-development restrictions, such as parking  
388 and site-size criteria, student enrollment, and occupant load,  
389 that are addressed by and more stringent than those found in the  
390 State Requirements for Educational Facilities of the Florida  
391 Building Code. A local governing authority must treat charter  
392 schools equitably in comparison to similar requirements,  
393 restrictions, and site planning processes imposed upon public  
394 schools that are not charter schools, including such provisions  
395 that are established by interlocal agreement. An interlocal  
396 agreement entered into by a school district for the development  
397 of only its own schools, including provisions relating to the  
398 extension of infrastructure, may be used by charter schools. A  
399 charter school may not be subject to any land use regulation  
400 requiring a change to a local government comprehensive plan or  
401 requiring a development order or development permit, as those  
402 terms are defined in s. 163.3164, that would not be required for  
403 a public school in the same location. The agency having  
404 jurisdiction for inspection of a facility and issuance of a  
405 certificate of occupancy or use shall be the local municipality  
406 or, if in an unincorporated area, the county governing  
407 authority. If an official or employee of the local governing  
408 authority refuses to comply with this paragraph, the aggrieved  
409 school or entity has an immediate right to bring an action in  
410 circuit court to enforce its rights by injunction. An aggrieved

496561

3/8/2022 7:40 PM

Amendment No.

411 party that receives injunctive relief may be awarded attorney  
412 fees and court costs.

413 (c) Any facility, or portion thereof, used to house a  
414 charter school whose charter has been approved by the sponsor  
415 and the governing board, pursuant to subsection (7), ~~is shall be~~  
416 exempt from ad valorem taxes pursuant to s. 196.1983. Any  
417 library, community service, museum, performing arts, theatre,  
418 cinema, or church facility; any facility or land owned by a  
419 Florida College System institution or, college, and university;  
420 any similar public institutional facilities; and any facility  
421 recently used to house a school or child care facility licensed  
422 under s. 402.305 may provide space to charter schools within  
423 their facilities under their preexisting zoning and land use  
424 designations without obtaining a special exception, rezoning, or  
425 a land use change.

426 (f) To the extent that charter school facilities are  
427 specifically created to mitigate the educational impact created  
428 by the development of new residential dwelling units, pursuant  
429 to subparagraph (2)(c)4., a proportionate share of costs per  
430 student station ~~some of or all of the~~ educational impact fees  
431 required to be paid in connection with the new residential  
432 dwelling units must ~~may~~ be designated ~~instead~~ for the  
433 construction of the charter school facilities that will mitigate  
434 the student station impact, including charter school facilities  
435 described in subparagraph (10)(e)7. Such facilities shall be

496561

3/8/2022 7:40 PM

Amendment No.

436 built to the State Requirements for Educational Facilities and  
437 shall be owned by a public or nonprofit entity. The local school  
438 district retains the right to monitor and inspect such  
439 facilities to ensure compliance with the State Requirements for  
440 Educational Facilities. If a facility ceases to be used for  
441 public educational purposes, either the facility shall revert to  
442 the school district subject to any debt owed on the facility, or  
443 the owner of the facility shall have the option to refund all  
444 educational impact fees utilized for the facility to the school  
445 district. The district and the owner of the facility may  
446 contractually agree to another arrangement for the facilities if  
447 the facilities cease to be used for educational purposes. The  
448 owner of property planned or approved for new residential  
449 dwelling units and the entity levying educational impact fees  
450 shall enter into an agreement that designates the educational  
451 impact fees that will be allocated for the charter school  
452 student stations and that ensures the timely construction of the  
453 charter school student stations concurrent with the expected  
454 occupancy of the residential units. The application for use of  
455 educational impact fees shall include an approved charter school  
456 application. To assist the school district in forecasting  
457 student station needs, the entity levying the impact fees shall  
458 notify the affected district of any agreements it has approved  
459 for the purpose of mitigating student station impact from the  
460 new residential dwelling units. Any entity contributing toward

496561

3/8/2022 7:40 PM

Amendment No.

461 the construction of such facilities shall receive a credit  
462 toward any impact fees or exactions imposed for public  
463 educational facilities to the extent that the entity has not  
464 received a credit for such contribution pursuant to s.  
465 163.3180(6)(h)2.

466 (20) SERVICES.—

467 (a)1. A sponsor shall provide certain administrative and  
468 educational services to charter schools. These services shall  
469 include contract management services; full-time equivalent and  
470 data reporting services; exceptional student education  
471 administration services; services related to eligibility and  
472 reporting duties required to ensure that school lunch services  
473 under the National School Lunch Program, consistent with the  
474 needs of the charter school, are provided by the sponsor at the  
475 request of the charter school, that any funds due to the charter  
476 school under the National School Lunch Program be paid to the  
477 charter school as soon as the charter school begins serving food  
478 under the National School Lunch Program, and that the charter  
479 school is paid at the same time and in the same manner under the  
480 National School Lunch Program as other public schools serviced  
481 by the sponsor or the school district; test administration  
482 services, including payment of the costs of state-required or  
483 district-required student assessments; processing of teacher  
484 certificate data services; and information services, including  
485 equal access to the sponsor's student information systems that

496561

3/8/2022 7:40 PM

Amendment No.

486 are used by public schools in the district in which the charter  
487 school is located or by schools in the sponsor's portfolio of  
488 charter schools if the sponsor is not a school district. Student  
489 performance data for each student in a charter school,  
490 including, but not limited to, FCAT scores, standardized test  
491 scores, previous public school student report cards, and student  
492 performance measures, shall be provided by the sponsor to a  
493 charter school in the same manner provided to other public  
494 schools in the district or by schools in the sponsor's portfolio  
495 of charter schools if the sponsor is not a school district.

496 2. A sponsor may withhold an administrative fee for the  
497 provision of such services which shall be a percentage of the  
498 available funds defined in paragraph (17)(b) calculated based on  
499 weighted full-time equivalent students. If the charter school  
500 serves 75 percent or more exceptional education students as  
501 defined in s. 1003.01(3), the percentage shall be calculated  
502 based on unweighted full-time equivalent students. The  
503 administrative fee shall be calculated as follows:

504 a. Up to 5 percent for:

505 (I) Enrollment of up to and including 250 students in a  
506 charter school as defined in this section.

507 (II) Enrollment of up to and including 500 students within  
508 a charter school system which meets all of the following:

509 (A) Includes conversion charter schools and nonconversion  
510 charter schools.

496561

3/8/2022 7:40 PM

Amendment No.

511 (B) Has all of its schools located in the same county.

512 (C) Has a total enrollment exceeding the total enrollment  
513 of at least one school district in this state.

514 (D) Has the same governing board for all of its schools.

515 (E) Does not contract with a for-profit service provider  
516 for management of school operations.

517 (III) Enrollment of up to and including 250 students in a  
518 virtual charter school.

519 b. Up to 2 percent for enrollment of up to and including  
520 250 students in a high-performing charter school as defined in  
521 s. 1002.331.

522 c. Up to 2 percent for enrollment of up to and including  
523 250 students in an exceptional student education center that  
524 meets the requirements of the rules adopted by the State Board  
525 of Education pursuant to s. 1008.3415(3).

526 3. A sponsor may not charge charter schools any additional  
527 fees or surcharges for administrative and educational services  
528 in addition to the maximum percentage of administrative fees  
529 withheld pursuant to this paragraph. A sponsor may not charge or  
530 withhold any administrative fee against a charter school for any  
531 funds specifically allocated by the Legislature for teacher  
532 compensation.

533 4. A sponsor shall provide to the department by September  
534 15 of each year the total amount of funding withheld from  
535 charter schools pursuant to this subsection for the prior fiscal

496561

3/8/2022 7:40 PM

Amendment No.

536 year. The department must include the information in the report  
537 required under sub-sub-subparagraph (5)(b)1.k.(III).

538 Section 4. Section 1004.88, Florida Statutes, is created  
539 to read:

540 1004.88 Florida Institute for Charter School Innovation.-

541 (1) The Florida Institute for Charter School Innovation is  
542 established at Miami Dade College, subject to appropriation, for  
543 the purpose of improving charter school authorizing practices in  
544 this state.

545 (2) The institute shall do all of the following:

546 (a) Analyze charter school applications, identify best  
547 practices, and create a state resource for developing and  
548 reviewing charter school applications.

549 (b) Provide charter school sponsors with training,  
550 technical assistance, and support in reviewing initial and  
551 renewal charter applications.

552 (c) Conduct applied research on policy and practices  
553 related to charter schools.

554 (d) Conduct or compile basic research on the status of  
555 educational choice, charter authorizing, and charter school  
556 performance in this state, and other topics related to charter  
557 schools.

558 (e) Collaborate with the Department of Education in  
559 developing the sponsor evaluation framework under s.  
560 1002.33(5)(c).

496561

3/8/2022 7:40 PM

Amendment No.

561 (f) Disseminate information regarding research-based  
562 charter school teaching practices to teacher educators in this  
563 state.

564 (g) Host research workshops and conferences that allow  
565 charter school sponsors, charter school operators, students, and  
566 parents to engage in topics related to charter schools.

567 (3) The institute may apply for and receive federal,  
568 state, or local agency grants for the purposes of this section.

569 (4) The District Board of Trustees of Miami Dade College  
570 shall establish policies for the supervision, administration,  
571 and governance of the institute.

572 Section 5. (1) The Office of Program Policy Analysis and  
573 Government Accountability shall conduct an analysis of the  
574 current methodologies for the distribution of capital outlay  
575 funds and federal funds through Titles I, II, III, and IV of the  
576 Elementary and Secondary Education Act, as amended, and the  
577 Individuals with Disabilities Education Act, as amended, to  
578 charter schools. Based on its analysis, the office shall  
579 recommend any changes to provide an equitable allocation of  
580 capital outlay funds and specified federal funds to all public  
581 schools.

582 (2) The analysis of capital outlay funds must include, at  
583 a minimum:

496561

3/8/2022 7:40 PM



Amendment No.

584 (a) An analysis of the calculation methodology for the  
585 allocation of state funds appropriated in the General  
586 Appropriations Act under s. 1013.62(2), Florida Statutes.

587 (b) An analysis of the calculation methodology to  
588 determine the amount of revenue that a school district must  
589 distribute to a charter school under s. 1013.62(3), Florida  
590 Statutes.

591 (c) For the most recent 3 years, a comparison of the  
592 charter school capital outlay amounts between the allocation of  
593 state funds and revenue that would result from the discretionary  
594 millage authorized under s. 1011.71(2), Florida Statutes.

595 (d) Other state policies and methodologies for the  
596 distribution of charter school capital outlay funds.

597 (3) The office shall submit a report of its findings and  
598 recommendations to the Governor, the President of the Senate,  
599 and the Speaker of the House of Representatives by January 1,  
600 2023.

601 Section 6. Paragraphs (a) and (c) of subsection (16) of  
602 section 1011.62, Florida Statutes, are amended to read:

603 1011.62 Funds for operation of schools.—If the annual  
604 allocation from the Florida Education Finance Program to each  
605 district for operation of schools is not determined in the  
606 annual appropriations act or the substantive bill implementing  
607 the annual appropriations act, it shall be determined as  
608 follows:

496561

3/8/2022 7:40 PM

Amendment No.

609 (16) TEACHER SALARY INCREASE ALLOCATION.—The Legislature  
610 may annually provide in the Florida Education Finance Program a  
611 teacher salary increase allocation to assist school districts in  
612 their recruitment and retention of classroom teachers and other  
613 instructional personnel. The amount of the allocation shall be  
614 specified in the General Appropriations Act.

615 (a) Each school district shall receive an allocation based  
616 on the school district's proportionate share of the base FEFP  
617 allocation. Each school district shall provide each charter  
618 school within its district its proportionate share calculated  
619 pursuant to s. 1002.33(17)(b). If a district school board has  
620 not received its allocation due to its failure to submit an  
621 approved district salary distribution plan, the district school  
622 board must still provide each charter school that has submitted  
623 a salary distribution plan within its district its proportionate  
624 share of the allocation.

625 (c) Before distributing allocation funds received pursuant  
626 to paragraph (a), each school district and each charter school  
627 shall develop a salary distribution plan that clearly delineates  
628 the planned distribution of funds pursuant to paragraph (b) in  
629 accordance with modified salary schedules, as necessary, for the  
630 implementation of this subsection.

631 1. Each school district superintendent and each charter  
632 school administrator must submit its proposed salary

496561

3/8/2022 7:40 PM

Amendment No.

633 distribution plan to the district school board or the charter  
634 school governing body, as appropriate, for approval.

635 2. Each school district shall submit the approved district  
636 salary distribution plan ~~and, along with~~ the approved salary  
637 distribution plan for each charter school in the district, to  
638 the department by October 1 of each fiscal year.

639 Section 7. This act shall take effect July 1, 2022.

640 -----

641 **T I T L E A M E N D M E N T**

642 Remove everything before the enacting clause and insert:

643 A bill to be entitled

644 An act relating to education; amending s. 1001.4205,  
645 F.S.; authorizing members of the Legislature to visit  
646 any public school in the legislative district of the  
647 member; providing requirements for such visits;  
648 creating s. 1002.3301, F.S.; creating the Charter  
649 School Review Commission within the Department of  
650 Education, subject to appropriation; providing the  
651 purpose of the commission; specifying membership of  
652 the commission and the duration of members' terms;  
653 requiring the State Board of Education to appoint  
654 members, subject to confirmation by the Senate;  
655 providing that a majority of the commission members  
656 constitutes a quorum; providing that the commission  
657 has the same powers and duties relating to reviewing

496561

3/8/2022 7:40 PM

Amendment No.

658 and approving charter schools as a sponsor; requiring  
659 the department to contract with a college or  
660 university to provide administrative and technical  
661 assistance to the commission; designating the district  
662 school board in which a proposed charter school will  
663 be located as the new charter school's sponsor and  
664 supervisor; requiring a district school board to take  
665 specified actions within a certain timeframe after the  
666 commission grants a charter school application;  
667 requiring a charter school applicant to provide the  
668 school district in which the proposed charter school  
669 will be located with a copy of the application within  
670 a specified timeframe; authorizing the school district  
671 to provide input to the commission within a specified  
672 timeframe; requiring the commission to consider such  
673 input; authorizing the appeal of commission decisions;  
674 requiring the State Board of Education to adopt rules;  
675 amending s. 1002.33, F.S.; providing legislative  
676 intent; authorizing the commission to solicit and  
677 review certain charter school applications; requiring  
678 the district school board that oversees the school  
679 district in which a charter school approved by the  
680 commission will be located to serve as the charter  
681 school's sponsor; prohibiting sponsors from imposing  
682 additional reporting requirements unless a charter

496561

3/8/2022 7:40 PM

Amendment No.

683 school meets specified criteria; providing that  
684 certain interlocal agreements and ordinances are void  
685 and unenforceable; authorizing charter schools to use  
686 school district interlocal agreements; revising the  
687 terms and conditions for charter renewal; revising the  
688 procedure and causes for nonrenewal or termination of  
689 a charter; authorizing members of certain committees  
690 of a charter school governing board to attend  
691 specified meetings in person or through the use of  
692 communications media technology; authorizing charter  
693 schools to use certain interlocal agreements;  
694 prohibiting a charter school from being subject to  
695 certain land use regulations if such regulations would  
696 not be required for certain public schools; providing  
697 that specified facilities may provide space to charter  
698 schools under existing zoning and land use  
699 designations without obtaining a special exception,  
700 rezoning, or a land use change; requiring a specified  
701 proportionate share of certain educational impact fees  
702 to be designated for the construction of certain  
703 charter school facilities; providing credits toward  
704 certain impact fees or exactions for certain entities;  
705 providing that a sponsor may not charge or withhold  
706 administrative fees for certain allocations; creating  
707 s. 1004.88, F.S.; establishing the Florida Institute

496561

3/8/2022 7:40 PM

Amendment No.

708 | for Charter Schools Innovation at Miami Dade College,  
709 | subject to appropriation; providing the purpose of the  
710 | institute; specifying the duties of the institute;  
711 | authorizing the institute to apply for and receive  
712 | certain grants; requiring the District Board of  
713 | Trustees of Miami Dade College to establish policies  
714 | regarding the institute; requiring the Office of  
715 | Program Policy Analysis and Government Accountability  
716 | to conduct an analysis of charter school capital  
717 | outlay funds and certain federal funds and submit a  
718 | report to the Governor and Legislature by a specified  
719 | date; amending s. 1011.62, F.S.; providing that a  
720 | district school board must provide a specified amount  
721 | of funding to charter schools within the district if  
722 | the teacher salary increase allocation is delayed for  
723 | specified reasons; providing an effective date.

496561

3/8/2022 7:40 PM