

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Education & Employment
2 Committee

3 Representative Garcia offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove lines 229-387 and insert:

7 A charter school may assign its charter to a high-performing
8 charter school operating in the same district. A charter school
9 that is not subject to a school improvement plan and that closes
10 as part of a consolidation shall be reported by the sponsor as a
11 consolidation. A request for consolidation of multiple charters
12 must be approved or denied within 60 days after the submission
13 of the request. If the request is denied, the sponsor must ~~shall~~
14 notify the charter school's governing board of the denial and
15 must provide the specific reasons, in reasonable detail, for the
16 denial of the request for consolidation within 10 days.

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17 (17) FUNDING.—Students enrolled in a charter school,
18 regardless of the sponsorship, shall be funded as if they are in
19 a basic program or a special program, the same as students
20 enrolled in other public schools in a school district. Funding
21 for a charter lab school shall be as provided in s. 1002.32.

22 (b)1. The basis for the agreement for funding students
23 enrolled in a charter school shall be the sum of the school
24 district's operating funds from the Florida Education Finance
25 Program as provided in s. 1011.62 and the General Appropriations
26 Act, including gross state and local funds, discretionary
27 lottery funds, and funds from the school district's current
28 operating discretionary millage levy; divided by total funded
29 weighted full-time equivalent students in the school district;
30 and multiplied by the weighted full-time equivalent students for
31 the charter school. Charter schools whose students or programs
32 meet the eligibility criteria in law are entitled to their
33 proportionate share of categorical program funds included in the
34 total funds available in the Florida Education Finance Program
35 by the Legislature, including transportation, and the evidence-
36 based reading allocation. Total funding for each charter school
37 shall be recalculated during the year to reflect the revised
38 calculations under the Florida Education Finance Program by the
39 state and the actual weighted full-time equivalent students
40 reported by the charter school during the full-time equivalent
41 student survey periods designated by the Commissioner of

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42 Education. For charter schools operated by a not-for-profit or
43 municipal entity, any unrestricted current and capital assets
44 identified in the charter school's annual financial audit may be
45 used for other charter schools operated by the not-for-profit or
46 municipal entity within the school district. For charter schools
47 operated by a not-for-profit entity, any unrestricted current or
48 capital assets identified in the charter school's annual audit
49 may be used for other charter schools operated by the not-for-
50 profit entity that are located outside of the originating
51 charter school's school district but within the state through an
52 unforgiveable loan which must be repaid to the originating
53 charter school by the receiving charter school. Unrestricted
54 current assets shall be used in accordance with s. 1011.62, and
55 any unrestricted capital assets shall be used in accordance with
56 s. 1013.62(2).

57 2.a. Students enrolled in a charter school sponsored by a
58 state university or Florida College System institution pursuant
59 to paragraph (5)(a) shall be funded as if they are in a basic
60 program or a special program in the school district. The basis
61 for funding these students is the sum of the total operating
62 funds from the Florida Education Finance Program for the school
63 district in which the school is located as provided in s.
64 1011.62 and the General Appropriations Act, including gross
65 state and local funds, discretionary lottery funds, and funds
66 from each school district's current operating discretionary

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67 millage levy, divided by total funded weighted full-time
68 equivalent students in the district, and multiplied by the full-
69 time equivalent membership of the charter school. The Department
70 of Education shall develop a tool that each state university or
71 Florida College System institution sponsoring a charter school
72 shall use for purposes of calculating the funding amount for
73 each eligible charter school student. The total amount obtained
74 from the calculation must be appropriated from state funds in
75 the General Appropriations Act to the charter school.

76 b. Capital outlay funding for a charter school sponsored
77 by a state university or Florida College System institution
78 pursuant to paragraph (5) (a) is determined pursuant to s.
79 1013.62 and the General Appropriations Act.

80 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

81 (d) The landlord of a charter school, or his or her
82 spouse, or an officer, director, or employee of an entity that
83 is a landlord of a charter school, or his or her spouse, may not
84 be a member of the governing board of the charter school unless:

85 1. The charter school is established under paragraph
86 (15) (c) and the landlord is a municipal entity; or

87 2. The landlord is a not-for-profit entity and a two-
88 thirds majority vote of the charter school board, excluding the
89 vote of landlord-affiliated board members, approves the
90 landlord-affiliated board member to be elected to, or to remain
91 on, the board.

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92 (28) RULEMAKING.—The Department of Education, after
93 consultation with sponsors and charter school directors, shall
94 recommend that the State Board of Education adopt rules to
95 implement specific subsections of this section. Such rules shall
96 require minimum paperwork and shall not limit charter school
97 flexibility authorized by statute. The State Board of Education
98 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
99 implement a standard charter application form, standard
100 application form for the replication of charter schools in a
101 high-performing charter school system, standard evaluation
102 instrument, standard monitoring tool, and standard charter and
103 charter renewal contracts in accordance with this section.

104 Section 2. Subsection (2) of section 1002.331, Florida
105 Statutes, is amended to read:

106 1002.331 High-performing charter schools.—

107 (2) A high-performing charter school is authorized to:

108 (a) Increase its student enrollment once per school year
109 to more than the capacity identified in the charter, but student
110 enrollment may not exceed the capacity of the facility at the
111 time the enrollment increase will take effect. Facility capacity
112 for purposes of expansion must ~~shall~~ include any improvements to
113 an existing facility or any new facility in which the students
114 of the high-performing charter school will enroll.

115 (b) Expand grade levels within kindergarten through grade
116 12 to add grade levels not already served if any annual

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117 enrollment increase resulting from grade level expansion is
118 within the limit established in paragraph (a).

119 (c) Submit a quarterly, rather than a monthly, financial
120 statement to the sponsor pursuant to s. 1002.33(9)(g).

121 (d) Consolidate under a single charter the charters of
122 multiple high-performing charter schools operated in the same
123 school district by the charter schools' governing board
124 regardless of the renewal cycle.

125 (e) Receive a modification of its charter to a term of 15
126 years or a 15-year charter renewal. The charter may be modified
127 or renewed for a shorter term at the option of the high-
128 performing charter school. The charter must be consistent with
129 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
130 review by the sponsor, and may be terminated during its term
131 pursuant to s. 1002.33(8).

132 (f) Assume the charter of another operator within the same
133 school district in which it operates.

134
135 A high-performing charter school shall notify its sponsor in
136 writing by March 1 if it intends to increase enrollment or
137 expand grade levels the following school year. The written
138 notice must ~~shall~~ specify the amount of the enrollment increase
139 and the grade levels that will be added, as applicable. If a
140 charter school notifies the sponsor of its intent to expand, the
141 sponsor must ~~shall~~ modify the charter within 90 days to include

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142 the new enrollment maximum and may not make any other changes.
143 The sponsor may deny a request to increase the enrollment of a
144 high-performing charter school if the commissioner has
145 declassified the charter school as high-performing. If a high-
146 performing charter school requests to consolidate multiple
147 charters or assume an existing charter, the sponsor has ~~shall~~
148 ~~have~~ 40 days after receipt of that request to provide an initial
149 draft charter to the charter school. The sponsor and charter
150 school ~~shall~~ have 50 days thereafter to negotiate and notice the
151 charter contract for final approval by the sponsor.

152 Section 3. Paragraph (a) of subsection (1) of section
153 1013.62, Florida Statutes, is amended to read:

154 1013.62 Charter schools capital outlay funding.—

155 (1) For the 2022-2023 fiscal year, charter school capital
156 outlay funding shall consist of state funds appropriated in the
157 2022-2023 General Appropriations Act. Beginning in fiscal year
158 2023-2024, charter school capital outlay funding shall consist
159 of state funds when such funds are appropriated in the General
160 Appropriations Act and revenue resulting from the discretionary
161 millage authorized in s. 1011.71(2) if the amount of state funds
162 appropriated for charter school capital outlay in any fiscal
163 year is less than the average charter school capital outlay
164 funds per unweighted full-time equivalent student for the 2018-
165 2019 fiscal year, multiplied by the estimated number of charter
166 school students for the applicable fiscal year, and adjusted by

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167 changes in the Consumer Price Index issued by the United States
168 Department of Labor from the previous fiscal year. Nothing in
169 this subsection prohibits a school district from distributing to
170 charter schools funds resulting from the discretionary millage
171 authorized in s. 1011.71(2).

172 (a) To be eligible to receive capital outlay funds, a
173 charter school must:

174 1.a. Have been in operation for 2 or more years;

175 b. Be governed by a governing board established in the
176 state for 2 or more years which operates both charter schools
177 and conversion charter schools within the state;

178 c. Be an expanded feeder chain of a charter school within
179 the same school district that is currently receiving charter
180 school capital outlay funds;

181 d. Have been accredited by a regional accrediting
182 association as defined by State Board of Education rule;

183 e. Serve students in facilities that are provided by a
184 business partner for a charter school-in-the-workplace pursuant
185 to s. 1002.33(15) (b); or

186 f. Be operated by a hope operator pursuant to s. 1002.333.

187 2. Have an annual audit that does not reveal any of the
188 financial emergency conditions provided in s. 218.503(1) for the
189 most recent fiscal year for which such audit results are
190 available.

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191 3. Have not earned two consecutive grades of "F", three
192 consecutive grades below a "C", or two consecutive school
193 improvement ratings of "Unsatisfactory" ~~satisfactory student~~
194 ~~achievement based on state accountability standards applicable~~
195 ~~to the charter school.~~

196 4. Have received final approval from its sponsor pursuant
197 to s. 1002.33 for operation during that fiscal year.

198 5. Serve students in facilities that are not provided by
199 the charter school's sponsor.

200 Section 4. Section 1012.57, Florida Statutes, is amended
201 to read:

202 1012.57 Certification of adjunct educators.—

203 (1) Notwithstanding the provisions of ss. 1012.32,
204 1012.55, and 1012.56, or any other provision of law or rule to
205 the contrary, district school boards and charter school
206 governing boards shall adopt rules to allow for the issuance of
207 an adjunct teaching certificate to any applicant who fulfills
208 the requirements of s. 1012.56(2) (a)-(f) and (10) and who has
209 expertise in the subject area to be taught. An applicant shall
210 be considered to have expertise in the subject area to be taught
211 if the applicant demonstrates sufficient subject area mastery
212 through passage of a subject area test.

213 (2) The Legislature intends that this section allow school
214 districts and charter schools to tap the wealth of talent and
215 expertise represented in Florida's citizens who may wish to

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216 teach in a Florida public school by permitting school districts
217 and charter schools to issue adjunct certificates to qualified
218 applicants.

219 (3) Adjunct certificateholders should be used primarily as
220 a strategy to enhance the diversity of course offerings offered
221 to all students. School districts and charter schools may use
222 the expertise of individuals in the state who wish to provide
223 online instruction to students by issuing adjunct certificates
224 to qualified applicants.

225 (4) Each adjunct teaching certificate is valid through the
226 term of the annual contract between the educator and the school
227 district or charter school. An additional annual certification
228 and an additional

230 -----

231 **D I R E C T O R Y A M E N D M E N T**

232 Remove line 26 and insert:

233 Section 1. Paragraphs (a) and (d) of subsection 7,
234 paragraph (b) of subsection (17), and

235 -----

236 -----

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

238 Remove lines 5-17 and insert:

239 charter school to assign its charter to a high-performing
240 charter school in the same district; authorizing the transfer of

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241 specified assets to certain charter schools within the state;
242 providing requirements for such transfers; providing the
243 circumstances under which the landlord of a charter school or
244 certain other individuals may serve on a charter school
245 governing board; requiring the State Board of Education to adopt
246 rules to implement a standard monitoring tool; amending s.
247 1002.331, F.S.; conforming provisions to changes made by the
248 act; amending s. 1013.62, F.S.; revising charter school capital
249 outlay fund eligibility; amending s. 1012.57, F.S.; authorizing
250 charter school governing boards to issue adjunct teaching