

HB 1089

2019

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; prohibiting charter schools from
4 operating as, or being operated by, a for-profit
5 corporation, a for-profit educational management
6 organization, or a for-profit charter management
7 organization; defining the terms "for-profit
8 educational management organization," "for-profit
9 charter management organization," and "operate as, or
10 be operated by"; prohibiting a charter school from
11 entering into a subcontract to avoid certain
12 requirements; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsection (1) of section 1002.33, Florida
17 Statutes, is amended to read:

18 1002.33 Charter schools.—

19 (1) AUTHORIZATION.—

20 (a) All charter schools in Florida are public schools and
21 shall be part of the state's program of public education. A
22 charter school may be formed by creating a new school or
23 converting an existing public school to charter status. A
24 charter school may operate a virtual charter school pursuant to
25 s. 1002.45(1)(d) to provide full-time online instruction to

26 | students, pursuant to s. 1002.455, in kindergarten through grade
27 | 12. The school district in which the student enrolls in the
28 | virtual charter school shall report the student for funding
29 | pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school
30 | district may ~~shall~~ not report the student for funding. An
31 | existing charter school that is seeking to become a virtual
32 | charter school must amend its charter or submit a new
33 | application pursuant to subsection (6) to become a virtual
34 | charter school. A virtual charter school is subject to the
35 | requirements of this section; however, a virtual charter school
36 | is exempt from subsections (18) and (19), paragraph (20)(c), and
37 | s. 1003.03. A public school may not use the term charter in its
38 | name unless it has been approved under this section.

39 | (b) A charter school may not operate as, or be operated
40 | by, a for-profit corporation, a for-profit educational
41 | management organization, or a for-profit charter management
42 | organization. For purposes of this section, the terms "for-
43 | profit educational management organization" and "for-profit
44 | charter management organization" refer to such entities that
45 | manage or operate a charter school.

46 | 1. As used in this subsection, the term "operate as, or be
47 | operated by" refers to the provision of services by a for-profit
48 | corporation, a for-profit educational management organization,
49 | or a for-profit charter management organization to a charter
50 | school, including any of the following:

51 a. The nomination, appointment, or removal of board
52 members or officers of the charter school.

53 b. The employment, supervision, or dismissal of employees
54 or contractors of the charter school, including certificated and
55 noncertificated school personnel.

56 c. Management of the charter school's day-to-day
57 operations in the capacity of an administrative manager.

58 d. The approval, denial, or management of the budget or
59 any expenditures of the charter school which are not authorized
60 by the governing body of the charter school.

61 e. Services provided to the charter school before the
62 governing body of the charter school has approved the contract
63 for such services at a publicly noticed meeting.

64 f. The development of the school's curriculum.

65 g. The provision of funding or financing.

66 h. Services related to construction or renovation.

67 i. The lease, sale, or purchase of real estate.

68 2. A charter school may not enter into a subcontract to
69 avoid the prohibition imposed by this paragraph.

70 Section 2. This act shall take effect July 1, 2019.