



944160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2019	.	
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The Committee on Governmental Oversight and Accountability  
(Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 105 - 578  
and insert:

(3) All applicants are subject to level 2 background screening as provided under chapter 435. An applicant is ineligible, and a credentialing entity shall deny the application, if the applicant has been found guilty of, or has entered a plea of guilty or nolo contendere to, regardless of adjudication, any offense listed in s. 435.04(2) unless the



11 department has issued an exemption under s. 397.4872. In  
12 accordance with s. 435.04, the Department of Law Enforcement  
13 shall notify the credentialing entity of the applicant's  
14 eligibility based on the results of his or her background  
15 screening. Once applicants are fingerprinted and pass the  
16 appropriate background screening in any single school district,  
17 the results of such fingerprinting and background screening  
18 shall be valid and such applicants may not subsequently be  
19 required to be fingerprinted or pass an appropriate background  
20 screening. The credentialing entity shall confirm whether an  
21 applicant has previously been fingerprinted and passed the  
22 appropriate background screening within the school district.

23 (4) The credentialing entity shall issue a certificate of  
24 compliance upon approval of a person's application. The  
25 certification shall automatically terminate 1 year after  
26 issuance if not renewed.

27 (a) A credentialing entity may suspend or revoke the  
28 certificate of compliance of a charter school principal, a  
29 charter school governing board member, or a charter school chief  
30 financial officer if the charter school principal, the charter  
31 school governing board member, or the charter school chief  
32 financial officer fails to adhere to the continuing education  
33 requirements.

34 (b) A credentialing entity shall revoke a certificate of  
35 compliance of a charter school principal, charter school  
36 governing board member, or charter school chief financial  
37 officer if the charter school principal, charter school  
38 governing board member, or charter school chief financial  
39 officer provides false or misleading information to the



40 credentialing entity at any time.

41 (c) If a charter school principal, charter school governing  
42 board member, or charter school chief financial officer is  
43 arrested for or found guilty of, or enters a plea of guilty or  
44 nolo contendere to, regardless of adjudication, any offense  
45 listed in s. 435.04(2) while acting in that capacity, the  
46 charter school shall immediately remove the person from that  
47 position and shall notify the credentialing entity within 3  
48 business days after such removal.

49 (5) Any decision by a department-recognized credentialing  
50 program to deny certification or otherwise impose sanctions on  
51 an individual who is certified is reviewable by the department.  
52 The individual aggrieved may request an administrative hearing  
53 conducted pursuant to ss. 120.569 and 120.57(1) within 30 days  
54 after receiving an adverse determination after completing any  
55 appeals process offered by the credentialing program.

56 Section 3. Present paragraphs (g), (h), and (i) of  
57 subsection (12) of section 1002.33, Florida Statutes, are  
58 redesignated as paragraphs (h), (i), and (j), respectively, and  
59 a new paragraph (g) is added to that subsection, paragraph (g)  
60 is added to subsection (8), and paragraph (b) of subsection (6)  
61 and paragraph (a) of subsection (7) of that section are amended,  
62 to read:

63 1002.33 Charter schools.—

64 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
65 applications are subject to the following requirements:

66 (b) A sponsor shall receive and review all applications for  
67 a charter school using the evaluation instrument developed by  
68 the Department of Education. A sponsor shall receive and



69 consider charter school applications received on or before  
70 August 1 of each calendar year for charter schools to be opened  
71 at the beginning of the school district's next school year, or  
72 to be opened at a time determined ~~agreed to~~ by the applicant and  
73 the sponsor. A sponsor may not refuse to receive a charter  
74 school application submitted before August 1 and may receive an  
75 application submitted later than August 1 if it chooses.  
76 ~~Beginning in 2018 and thereafter,~~ A sponsor shall also receive  
77 and consider charter school applications received on or before  
78 February 1 of each calendar year for charter schools to be  
79 opened ~~18 months later~~ at the beginning of the school district's  
80 school year, or to be opened at a time determined by the  
81 applicant. A sponsor may not refuse to receive a charter school  
82 application submitted before February 1 and may receive an  
83 application submitted later than February 1 if it chooses. A  
84 sponsor may not charge an applicant for a charter any fee for  
85 the processing or consideration of an application, and a sponsor  
86 may not base its consideration or approval of a final  
87 application upon the promise of future payment of any kind. If  
88 an applicant is ready to do so, it may open a charter school  
89 before the school district's next school year after approval of  
90 the charter school application submitted by either application  
91 deadline. Before approving or denying any application, the  
92 sponsor shall allow the applicant, upon receipt of written  
93 notification, at least 7 calendar days to make technical or  
94 nonsubstantive corrections and clarifications, including, but  
95 not limited to, corrections of grammatical, typographical, and  
96 like errors or missing signatures, if such errors are identified  
97 by the sponsor as cause to deny the final application.



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98           1. In order to facilitate an accurate budget projection  
99 process, a sponsor shall be held harmless for FTE students who  
100 are not included in the FTE projection due to approval of  
101 charter school applications after the FTE projection deadline.  
102 In a further effort to facilitate an accurate budget projection,  
103 within 15 calendar days after receipt of a charter school  
104 application, a sponsor shall report to the Department of  
105 Education the name of the applicant entity, the proposed charter  
106 school location, and its projected FTE.

107           2. In order to ensure fiscal responsibility, an application  
108 for a charter school shall include a full accounting of expected  
109 assets, a projection of expected sources and amounts of income,  
110 including income derived from projected student enrollments and  
111 from community support, and an expense projection that includes  
112 full accounting of the costs of operation, including start-up  
113 costs.

114           3.a. A sponsor shall by a majority vote approve or deny an  
115 application no later than 90 calendar days after the application  
116 is received, unless the sponsor and the applicant mutually agree  
117 in writing to temporarily postpone the vote to a specific date,  
118 at which time the sponsor shall by a majority vote approve or  
119 deny the application. If the sponsor fails to act on the  
120 application, an applicant may appeal to the State Board of  
121 Education as provided in paragraph (c). If an application is  
122 denied, the sponsor shall, within 10 calendar days after such  
123 denial, articulate in writing the specific reasons, based upon  
124 good cause, supporting its denial of the application and shall  
125 provide the letter of denial and supporting documentation to the  
126 applicant and to the Department of Education.



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127           b. An application submitted by a high-performing charter  
128 school identified pursuant to s. 1002.331 or a high-performing  
129 charter school system identified pursuant to s. 1002.332 may be  
130 denied by the sponsor only if the sponsor demonstrates by clear  
131 and convincing evidence that:

132           (I) The application of a high-performing charter school  
133 does not materially comply with the requirements in paragraph  
134 (a) or, for a high-performing charter school system, the  
135 application does not materially comply with s. 1002.332(2)(b);

136           (II) The charter school proposed in the application does  
137 not materially comply with the requirements in paragraphs  
138 (9)(a)-(f);

139           (III) The proposed charter school's educational program  
140 does not substantially replicate that of the applicant or one of  
141 the applicant's high-performing charter schools;

142           (IV) The applicant has made a material misrepresentation or  
143 false statement or concealed an essential or material fact  
144 during the application process; or

145           (V) The proposed charter school's educational program and  
146 financial management practices do not materially comply with the  
147 requirements of this section.

148  
149 Material noncompliance is a failure to follow requirements or a  
150 violation of prohibitions applicable to charter school  
151 applications, which failure is quantitatively or qualitatively  
152 significant either individually or when aggregated with other  
153 noncompliance. An applicant is considered to be replicating a  
154 high-performing charter school if the proposed school is  
155 substantially similar to at least one of the applicant's high-



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156 performing charter schools and the organization or individuals  
157 involved in the establishment and operation of the proposed  
158 school are significantly involved in the operation of replicated  
159 schools.

160 c. If the sponsor denies an application submitted by a  
161 high-performing charter school or a high-performing charter  
162 school system, the sponsor must, within 10 calendar days after  
163 such denial, state in writing the specific reasons, based upon  
164 the criteria in sub-subparagraph b., supporting its denial of  
165 the application and must provide the letter of denial and  
166 supporting documentation to the applicant and to the Department  
167 of Education. The applicant may appeal the sponsor's denial of  
168 the application in accordance with paragraph (c).

169 4. For budget projection purposes, the sponsor shall report  
170 to the Department of Education the approval or denial of an  
171 application within 10 calendar days after such approval or  
172 denial. In the event of approval, the report to the Department  
173 of Education shall include the final projected FTE for the  
174 approved charter school.

175 5. Upon approval of an application, the initial startup  
176 shall commence with the beginning of the public school calendar  
177 for the district in which the charter is granted. A charter  
178 school may defer the opening of the school's operations for up  
179 to 3 years to provide time for adequate facility planning. The  
180 charter school must provide written notice of such intent to the  
181 sponsor and the parents of enrolled students at least 30  
182 calendar days before the first day of school.

183 (7) CHARTER.—The terms and conditions for the operation of  
184 a charter school shall be set forth by the sponsor and the



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185 applicant in a written contractual agreement, called a charter.  
186 The sponsor and the governing board of the charter school shall  
187 use the standard charter contract pursuant to subsection (21),  
188 which shall incorporate the approved application and any addenda  
189 approved with the application. Any term or condition of a  
190 proposed charter contract that differs from the standard charter  
191 contract adopted by rule of the State Board of Education shall  
192 be presumed a limitation on charter school flexibility. The  
193 sponsor may not impose unreasonable rules or regulations that  
194 violate the intent of giving charter schools greater flexibility  
195 to meet educational goals. The charter shall be signed by the  
196 governing board of the charter school and the sponsor, following  
197 a public hearing to ensure community input.

198 (a) The charter shall address and criteria for approval of  
199 the charter shall be based on:

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

202 2. The focus of the curriculum, the instructional methods  
203 to be used, any distinctive instructional techniques to be  
204 employed, and identification and acquisition of appropriate  
205 technologies needed to improve educational and administrative  
206 performance which include a means for promoting safe, ethical,  
207 and appropriate uses of technology which comply with legal and  
208 professional standards.

209 a. The charter shall ensure that reading is a primary focus  
210 of the curriculum and that resources are provided to identify  
211 and provide specialized instruction for students who are reading  
212 below grade level. The curriculum and instructional strategies  
213 for reading must be consistent with the Next Generation Sunshine





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214 State Standards and grounded in scientifically based reading  
215 research.

216       b. In order to provide students with access to diverse  
217 instructional delivery models, to facilitate the integration of  
218 technology within traditional classroom instruction, and to  
219 provide students with the skills they need to compete in the  
220 21st century economy, the Legislature encourages instructional  
221 methods for blended learning courses consisting of both  
222 traditional classroom and online instructional techniques.  
223 Charter schools may implement blended learning courses which  
224 combine traditional classroom instruction and virtual  
225 instruction. Students in a blended learning course must be full-  
226 time students of the charter school pursuant to s.  
227 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
228 1012.55 who provide virtual instruction for blended learning  
229 courses may be employees of the charter school or may be under  
230 contract to provide instructional services to charter school  
231 students. At a minimum, such instructional personnel must hold  
232 an active state or school district adjunct certification under  
233 s. 1012.57 for the subject area of the blended learning course.  
234 The funding and performance accountability requirements for  
235 blended learning courses are the same as those for traditional  
236 courses.

237       3. The current incoming baseline standard of student  
238 academic achievement, the outcomes to be achieved, and the  
239 method of measurement that will be used. The criteria listed in  
240 this subparagraph shall include a detailed description of:

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



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243           b. How these baseline rates will be compared to rates of  
244 academic progress achieved by these same students while  
245 attending the charter school.

246           c. To the extent possible, how these rates of progress will  
247 be evaluated and compared with rates of progress of other  
248 closely comparable student populations.

249  
250 The district school board is required to provide academic  
251 student performance data to charter schools for each of their  
252 students coming from the district school system, as well as  
253 rates of academic progress of comparable student populations in  
254 the district school system.

255           4. The methods used to identify the educational strengths  
256 and needs of students and how well educational goals and  
257 performance standards are met by students attending the charter  
258 school. The methods shall provide a means for the charter school  
259 to ensure accountability to its constituents by analyzing  
260 student performance data and by evaluating the effectiveness and  
261 efficiency of its major educational programs. Students in  
262 charter schools shall, at a minimum, participate in the  
263 statewide assessment program created under s. 1008.22.

264           5. In secondary charter schools, a method for determining  
265 that a student has satisfied the requirements for graduation in  
266 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

267           6. A method for resolving conflicts between the governing  
268 board of the charter school and the sponsor.

269           7. The admissions procedures and dismissal procedures,  
270 including the school's code of student conduct. Admission or  
271 dismissal must not be based on a student's academic performance.



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272           8. The ways by which the school will achieve a  
273 racial/ethnic balance reflective of the community it serves or  
274 within the racial/ethnic range of other public schools in the  
275 same school district.

276           9. The financial and administrative management of the  
277 school, including a reasonable demonstration of the professional  
278 experience or competence of those individuals or organizations  
279 applying to operate the charter school or those hired or  
280 retained to perform such professional services and the  
281 description of clearly delineated responsibilities and the  
282 policies and practices needed to effectively manage the charter  
283 school. A description of internal audit procedures and  
284 establishment of controls to ensure that financial resources are  
285 properly managed must be included. Both public sector and  
286 private sector professional experience shall be equally valid in  
287 such a consideration.

288           10. The asset and liability projections required in the  
289 application which are incorporated into the charter and shall be  
290 compared with information provided in the annual report of the  
291 charter school.

292           11. A description of procedures that identify various risks  
293 and provide for a comprehensive approach to reduce the impact of  
294 losses; plans to ensure the safety and security of students and  
295 staff; plans to identify, minimize, and protect others from  
296 violent or disruptive student behavior; and the manner in which  
297 the school will be insured, including whether or not the school  
298 will be required to have liability insurance, and, if so, the  
299 terms and conditions thereof and the amounts of coverage.

300           12. The term of the charter which shall provide for



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301 cancellation of the charter if insufficient progress has been  
302 made in attaining the student achievement objectives of the  
303 charter and if it is not likely that such objectives can be  
304 achieved before expiration of the charter. The initial term of a  
305 charter shall be for 5 years, excluding 2 planning years. In  
306 order to facilitate access to long-term financial resources for  
307 charter school construction, charter schools that are operated  
308 by a municipality or other public entity as provided by law are  
309 eligible for up to a 15-year charter, subject to approval by the  
310 district school board. A charter lab school is eligible for a  
311 charter for a term of up to 15 years. In addition, to facilitate  
312 access to long-term financial resources for charter school  
313 construction, charter schools that are operated by a private,  
314 not-for-profit, s. 501(c)(3) status corporation are eligible for  
315 up to a 15-year charter, subject to approval by the district  
316 school board. Such long-term charters remain subject to annual  
317 review and may be terminated during the term of the charter, but  
318 only according to the provisions set forth in subsection (8).

319 13. The facilities to be used and their location. The  
320 sponsor may not require a charter school to have a certificate  
321 of occupancy or a temporary certificate of occupancy for such a  
322 facility earlier than 15 calendar days before the first day of  
323 school.

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

327 15. The governance structure of the school, including the  
328 status of the charter school as a public or private employer as  
329 required in paragraph (12)(j) ~~(12)(i)~~.



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330           16. A timetable for implementing the charter which  
331 addresses the implementation of each element thereof and the  
332 date by which the charter shall be awarded in order to meet this  
333 timetable.

334           17. In the case of an existing public school that is being  
335 converted to charter status, alternative arrangements for  
336 current students who choose not to attend the charter school and  
337 for current teachers who choose not to teach in the charter  
338 school after conversion in accordance with the existing  
339 collective bargaining agreement or district school board rule in  
340 the absence of a collective bargaining agreement. However,  
341 alternative arrangements shall not be required for current  
342 teachers who choose not to teach in a charter lab school, except  
343 as authorized by the employment policies of the state university  
344 which grants the charter to the lab school.

345           18. Full disclosure of the identity of all relatives  
346 employed by the charter school who are related to the charter  
347 school owner, president, chairperson of the governing board of  
348 directors, superintendent, governing board member, principal,  
349 assistant principal, or any other person employed by the charter  
350 school who has equivalent decisionmaking authority. For the  
351 purpose of this subparagraph, the term "relative" means father,  
352 mother, son, daughter, brother, sister, uncle, aunt, first  
353 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
354 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
355 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
356 stepsister, half brother, or half sister.

357           19. Implementation of the activities authorized under s.  
358 1002.331 by the charter school when it satisfies the eligibility



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359 requirements for a high-performing charter school. A high-  
360 performing charter school shall notify its sponsor in writing by  
361 March 1 if it intends to increase enrollment or expand grade  
362 levels the following school year. The written notice shall  
363 specify the amount of the enrollment increase and the grade  
364 levels that will be added, as applicable.

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

366 (g)1. If a charter is terminated or a charter school closes  
367 before the end of a school year or within 3 years after  
368 beginning operations and, after a specific finding by the school  
369 district of material fraud, disregard of generally accepted  
370 accounting principles, or of intentional malfeasance by an  
371 applicant for the charter, the charter school owner, the charter  
372 school president, charter school governing board members, and  
373 the relatives of such owner, upon findings made by the school  
374 district, the applicant for the charter, the charter school  
375 owner, the charter school president, the charter school  
376 governing board members, and the relatives of such owner,  
377 president, or governing board member may not submit an  
378 application to open a charter school in this state pursuant to  
379 subsection (6) for a period of 5 years after the termination of  
380 the charter or closure of the charter school. The applicant for  
381 the charter, the charter school owner, the charter school  
382 president, the charter school governing board members, and the  
383 relatives of such owner, president, or governing board member,  
384 may appeal to the charter appeals commission the school  
385 district's finding of material fraud, intentional malfeasance,  
386 or disregard of generally accepted accounting principles.

387 2. If a charter school owner, a charter school president, a



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388 member of a charter school governing board, a charter management  
389 organization, or an education management organization is  
390 convicted of a crime, including, but not limited to, material  
391 fraud or serious financial theft offenses, misrepresentation,  
392 fraud, or misappropriation related to the operation of a charter  
393 school, that owner, president, or governing board member,  
394 including any relatives of such individuals, or the charter  
395 management organization or the education management  
396 organization, may not submit an application to open a charter  
397 school in this state pursuant to subsection (6) for a period of  
398 10 years after such conviction.

399  
400 For the purpose of this paragraph, the term "relative" has the  
401 same meaning as specified in subparagraph (24) (a)2.

402 (12) EMPLOYEES OF CHARTER SCHOOLS.—

403 (g) Each charter school principal, governing board member,  
404 chief financial officer, or equivalent position must hold a  
405 valid certification issued by a third-party credentialing entity  
406 that is recognized under s. 1001.241, at least 30 days before  
407 the school opens or within 30 days of the first date of  
408 employment, whichever comes first. The credentialing entity must  
409 certify the individual's core competence in the administration  
410 of a charter school, including, but not limited to, developing  
411 and adjusting business plans; accurate financial planning and  
412 good business practices, including accounting for costs and  
413 income; state and federal grant and student performance  
414 accountability requirements; identification of, and application  
415 for, state and federal funding sources; and governance,  
416 including government in the sunshine, conflicts of interest,



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417 ethics, and financial responsibility. An individual certified  
418 under this paragraph meets the training requirements under  
419 subparagraph (h)3., paragraph (6)(f), and subparagraph (9)(j)4.

420 Section 4. Paragraph (d) of subsection (1) of section  
421 1002.45, Florida Statutes, is amended to read:

422 1002.45 Virtual instruction programs.-

423 (1) PROGRAM.-

424 (d) A virtual charter school may provide part-time and  
425 full-time virtual instruction for students in kindergarten  
426 through grade 12 if the virtual charter school has a charter  
427 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
428 ~~instruction~~. A virtual charter school may:

429 1. Contract with the Florida Virtual School.

430 2. Contract with or be an approved provider under  
431 subsection (2).

432 3. Enter into an agreement with a school district to allow  
433 the participation of the virtual charter school's students in  
434 the school district's virtual instruction program. The agreement  
435 must indicate a process for reporting of student enrollment and  
436 the transfer of funds required by paragraph (7)(e).

437  
438 ===== T I T L E A M E N D M E N T =====

439 And the title is amended as follows:

440 Delete lines 10 - 58

441 and insert:

442 providing that applicants who submit applications to a  
443 credentialing entity are subject to a certain  
444 background screening; providing for the ineligibility  
445 of certain applicants; requiring the Department of Law





446 Enforcement to notify the credentialing entity of an  
447 applicant's background screening results; providing  
448 that the results of fingerprinting and background  
449 screening of applicants who meet certain requirements  
450 are valid and such applicants are not required to be  
451 subsequently fingerprinted or pass another background  
452 screening; requiring credentialing entities to confirm  
453 whether an applicant has previously been fingerprinted  
454 and passed a background screening within a school  
455 district; requiring credentialing entities to issue  
456 certificates of compliance upon approval of a person's  
457 application; providing for termination of the  
458 certification after a specified time period if the  
459 certification is not renewed; authorizing  
460 credentialing entities to suspend or revoke a  
461 certificate of compliance under specified conditions;  
462 requiring charter schools to remove a charter school  
463 principal, charter school governing board member, or  
464 charter school chief financial officer from his or her  
465 position, as applicable, under specified conditions;  
466 requiring charter schools to notify the credentialing  
467 entity of such removal; providing that certain  
468 decisions by a department-recognized credentialing  
469 program are reviewable by the Department of Education;  
470 providing that an aggrieved person may request an  
471 administrative hearing within a specified timeframe  
472 after receiving an adverse determination after  
473 completion of an appeals process offered by the  
474 credentialing program; amending s. 1002.33, F.S.;



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475 deleting obsolete language; revising charter school  
476 application deadline requirements; authorizing certain  
477 charter school applicants to open charter schools  
478 before a specified timeframe and after approval;  
479 prohibiting specified individuals and entities from  
480 submitting an application to open a charter school for  
481 specified periods of time; defining the term  
482 "relative" for the purpose of applying the  
483 prohibition; requiring each charter school principal,  
484 governing board member, chief financial officer, or  
485 their equivalent, to meet certain certification  
486 requirements; amending s. 1002.45, F.S.; authorizing  
487 virtual charter schools to provide part-time virtual  
488 instruction for certain students; providing that a  
489 charter school may be an approved provider; providing  
490 an effective date.