

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Rodriguez, A. offered the following:

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

Remove lines 142-235 and insert:

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

(c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary to stop the emergency. The sponsor's determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter

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17 school's governing board, the charter school principal, and the  
18 department of the facts and circumstances supporting the  
19 emergency termination ~~if a charter is terminated immediately.~~

20 The sponsor shall clearly identify the specific issues that  
21 resulted in the immediate termination and provide evidence of  
22 prior notification of issues resulting in the immediate  
23 termination if applicable ~~when appropriate~~. Upon receiving  
24 written notice from the sponsor, the charter school's governing  
25 board has 10 calendar days to request a hearing. A requested  
26 hearing must be expedited and the final order must be issued  
27 within 60 days after the date of request. The sponsor shall  
28 assume operation of the charter school throughout the pendency  
29 of the hearing under paragraph (b) unless the continued  
30 operation of the charter school would materially threaten the  
31 health, safety, or welfare of the students. Failure by the  
32 sponsor to assume and continue operation of the charter school  
33 shall result in the awarding of reasonable costs and attorney  
34 ~~attorney's~~ fees to the charter school if the charter school  
35 prevails on appeal.

36 (10) ELIGIBLE STUDENTS.—

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

- 39 1. Students within specific age groups or grade levels.

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40           2. Students considered at risk of dropping out of school  
41 or academic failure. Such students shall include exceptional  
42 education students.

43           3. Students enrolling in a charter school-in-the-workplace  
44 or charter school-in-a-municipality established pursuant to  
45 subsection (15).

46           4. Students residing within a reasonable distance of the  
47 charter school, as described in paragraph (20)(c). Such students  
48 shall be subject to a random lottery and to the racial/ethnic  
49 balance provisions described in subparagraph (7)(a)8. or any  
50 federal provisions that require a school to achieve a  
51 racial/ethnic balance reflective of the community it serves or  
52 within the racial/ethnic range of other nearby public schools ~~in~~  
53 ~~the same school district.~~

54           5. Students who meet reasonable academic, artistic, or  
55 other eligibility standards established by the charter school  
56 and included in the charter school application and charter or,  
57 in the case of existing charter schools, standards that are  
58 consistent with the school's mission and purpose. Such standards  
59 shall be in accordance with current state law and practice in  
60 public schools and may not discriminate against otherwise  
61 qualified individuals.

62           6. Students articulating from one charter school to  
63 another pursuant to an articulation agreement between the  
64 charter schools that has been approved by the sponsor.

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65 7. Students living in a development in which a developer,  
66 including any affiliated business entity or charitable  
67 foundation, contributes to the formation, acquisition,  
68 construction, or operation of one or more charter schools or  
69 charter ~~provides the school facilities facility~~ and related  
70 property in an amount equal to or having a total ~~an~~ appraised  
71 value of at least \$5 million to be used as a charter schools  
72 ~~school~~ to mitigate the educational impact created by the  
73 development of new residential dwelling units. Students living  
74 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
75 percent of the student stations in the charter schools ~~school~~.  
76 The students who are eligible for enrollment are subject to a  
77 random lottery, the racial/ethnic balance provisions, or any  
78 federal provisions, as described in subparagraph 4. The  
79 remainder of the student stations must ~~shall~~ be filled in  
80 accordance with subparagraph 4.

## (18) FACILITIES.—

82 (a) A startup charter school shall utilize facilities  
83 which comply with the Florida Building Code pursuant to chapter  
84 553 except for the State Requirements for Educational  
85 Facilities. Conversion charter schools shall utilize facilities  
86 that comply with the State Requirements for Educational  
87 Facilities provided that the school district and the charter  
88 school have entered into a mutual management plan for the  
89 reasonable maintenance of such facilities. The mutual management

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90 plan shall contain a provision by which the district school  
91 board agrees to maintain charter school facilities in the same  
92 manner as its other public schools within the district. Charter  
93 schools, with the exception of conversion charter schools, are  
94 not required to comply, but may choose to comply, with the State  
95 Requirements for Educational Facilities of the Florida Building  
96 Code adopted pursuant to s. 1013.37. The local governing  
97 authority shall not adopt or impose any local building  
98 requirements or site-development restrictions, such as parking  
99 and site-size criteria, student enrollment, and occupant load,  
100 that are addressed by and more stringent than those found in the  
101 State Requirements for Educational Facilities of the Florida  
102 Building Code. A local governing authority must treat charter  
103 schools equitably in comparison to similar requirements,  
104 restrictions, and site planning processes imposed upon public  
105 schools that are not charter schools. If requested by a charter  
106 school, a local governing authority must provide a written  
107 justification for any challenged requirements, restrictions, or  
108 site planning processes within 14 days. The agency having  
109 jurisdiction for inspection of a facility and issuance of a  
110 certificate of occupancy or use shall be the local municipality  
111 or, if in an unincorporated area, the county governing  
112 authority. If an official or employee of the local governing  
113 authority refuses to comply with this paragraph, the aggrieved  
114 school or entity has an immediate right to bring an action in

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115 circuit court to enforce its rights by injunction. If a court  
116 finds that the local governing authority failed to treat the  
117 charter school equitably, the court shall award attorney fees  
118 and court costs to the charter school. An aggrieved party that  
119 receives injunctive relief may be awarded attorney fees and  
120 court costs.

121 (c) Any facility, or portion thereof, used to house a  
122 charter school whose charter has been approved by the sponsor  
123 and the governing board, pursuant to subsection (7), shall be  
124 exempt from ad valorem taxes pursuant to s. 196.1983. Libraries  
125 ~~Library~~, community service facilities, museums ~~museum~~,  
126 performing arts facilities, theatres ~~theatre~~, cinemas ~~cinema~~,  
127 churches and other places of worship ~~church~~, Florida College  
128 System institutions ~~institution~~, colleges ~~college~~, and  
129 universities ~~university facilities~~ may provide land or facility  
130 space to charter schools ~~within their facilities~~ under their  
131 preexisting zoning and land use designations. Local governing  
132 authorities may not impose any additional requirements,  
133 including, without limitation, requiring ~~obtaining a~~ special  
134 exception, rezoning, or a land use changes or other site-  
135 specific or use requirements or processes.

136  
137 The educational occupant load for the charter school within  
138 these facilities shall be solely based on the criteria set forth  
139 in the Florida Building Code and the Florida Fire Prevention

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140 Code. No other restrictions on the number of students in the  
141 facility apply ~~change.~~

142 (e) If a district school board facility or property is  
143 available because it is surplus, marked for disposal, or  
144 otherwise unused, it shall be provided for a charter school's  
145 use on the same basis as it is made available to other public  
146 schools in the district. A charter school receiving property  
147 from the school district may not sell or dispose of such  
148 property without written permission of the school district.  
149 Similarly, for an existing public school converting to charter  
150 status, no rental or leasing fee for the existing facility or  
151 for the property normally inventoried to the conversion school  
152 may be charged by the district school board to the parents and  
153 teachers organizing the charter school. The charter school shall  
154 agree to reasonable maintenance provisions in order to maintain  
155 the facility in a manner similar to district school board  
156 standards. The Public Education Capital Outlay maintenance funds  
157 or any other maintenance funds generated by the facility  
158 operated as a conversion school shall remain with the conversion  
159 school. A district school board may construct educational  
160 facilities and ancillary facilities on land owned by the  
161 district school board and lease such facilities to a charter  
162 school.

163 Section 1. Subsection (3) of section 1002.331, Florida  
164 Statutes, is amended to read:

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165 1002.331 High-performing charter schools.-

166 (3) (a) 1. A high-performing charter school may submit an  
167 application pursuant to s. 1002.33(6) in any school district in  
168 the state to establish and operate a new charter school that  
169 will substantially replicate its educational program. An  
170 application submitted by a high-performing charter school must  
171 state that the application is being submitted pursuant to this  
172 paragraph and must include the verification letter provided by  
173 the Commissioner of Education pursuant to subsection (4).

174 2. If the sponsor fails to act on the application within  
175 90 days after receipt, the application is deemed approved and  
176 the procedure in s. 1002.33(7) applies.

177 (b) A high-performing charter school may submit two  
178 applications for a charter school ~~not establish more than two~~  
179 ~~charter schools~~ within the state under paragraph (a) to be  
180 opened at a time determined by the high-performing charter  
181 school. in any year. A subsequent application to establish a  
182 charter school under paragraph (a) may not be submitted unless  
183 each charter school application commences operations or an  
184 application is otherwise withdrawn. ~~each charter school~~  
185 ~~established in this manner achieves high-performing charter~~  
186 ~~school status.~~ However, a high-performing charter school may  
187 establish more than one charter school within the state under  
188 paragraph (a) in any year if it operates in the area of a

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189 persistently low-performing school and serves students from that  
190 school.

191 (c) This section applies to any high-performing charter  
192 school with an existing approved application.

193 Section 2. Paragraph (d) of subsection (7) and paragraph  
194 (b) of subsection (10) of section 1002.333, Florida Statutes,  
195 are amended to read:

196 1002.333 Persistently low-performing schools.—

197 (7) FACILITIES.—

198 (d) No later than January ~~October~~ 1, the department ~~each~~  
199 ~~school district~~ shall annually provide to each school district  
200 ~~the Department of Education~~ a list of all underused, vacant, or  
201 surplus facilities owned or operated by the school district as  
202 reported in the Florida Inventory of School Houses. A school  
203 district may provide evidence to the department within 30 days  
204 that the list contains errors or omissions. Annually, by April  
205 1, the department shall update and publish a final list of all  
206 underused, vacant, and surplus facilities owned or operated by  
207 each school district based upon the updated information provided  
208 by each school district. A hope operator establishing a school  
209 of hope may use an educational facility identified in this  
210 paragraph at no cost or at a mutually agreeable cost not to  
211 exceed \$600 per student. A hope operator using a facility  
212 pursuant to this paragraph may not sell or dispose of such  
213 facility without the written permission of the school district.

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214 For purposes of this paragraph, the term "underused, vacant, or  
215 surplus facility" means an entire facility or portion thereof  
216 which is not fully used or is used irregularly or intermittently  
217 by the school district for instructional or program use.

218 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
219 is created within the Department of Education.

220 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
221 funds allocated for the purpose of this subsection which are not  
222 disbursed by June 30 of the fiscal year in which the funds are  
223 allocated may be carried forward for up to 7 ~~5~~ years after the  
224 effective date of the original appropriation.

225 Section 3. Paragraph (d) of subsection (1) of section  
226 1002.45, Florida Statutes, is amended to read:

227 1002.45 Virtual instruction programs.—

228 (1) PROGRAM.—

229 (d) A virtual charter school may provide full-time and  
230 part-time virtual instruction for students in kindergarten  
231 through grade 12 if the virtual charter school has a charter  
232 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
233 ~~instruction~~. A virtual charter school may:

234 1. Contract with the Florida Virtual School.

235 2. Contract with or be an approved provider under  
236 subsection (2).

237 3. Enter into an agreement with a school district to allow  
238 the participation of the virtual charter school's students in

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239 the school district's virtual instruction program. The agreement  
240 must indicate a process for reporting of student enrollment and  
241 the transfer of funds required by paragraph (7) (e).

242 4. Contract with any public or charter school to provide  
243 any course that the virtual school cannot otherwise provide.

244 Section 4. Paragraph (a) of subsection (1) of section  
245 1003.493, Florida Statutes, is amended to read:

246 1003.493 Career and professional academies and career-  
247 themed courses.—

248 (1) (a) A "career and professional academy" is a research-  
249 based program that integrates a rigorous academic curriculum  
250 with an industry-specific curriculum aligned directly to  
251 priority workforce needs established by the local workforce  
252 development board or the Department of Economic Opportunity.  
253 Career and professional academies shall be offered by public  
254 schools and school districts. Career and professional academies  
255 may be offered by charter schools. The Florida Virtual School is  
256 encouraged to develop and offer rigorous career and professional  
257 courses as appropriate. Students completing career and  
258 professional academy programs must receive a standard high  
259 school diploma, the highest available industry certification,  
260 and opportunities to earn postsecondary credit if the academy  
261 partners with a postsecondary institution approved to operate in  
262 the state.

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

Remove lines 21-22 and insert:

Section 1. Paragraph (b) of subsection (6), paragraph (c) of subsection (8), paragraph (e) of subsection (10), and paragraphs (a), (c), and (e) of subsection (18) of section 1002.33, Florida Statutes, are

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**T I T L E   A M E N D M E N T**

Remove lines 6-16 and insert:

submitted during the calendar year; revising provisions for the immediate termination of a charter school's charter; revising the student populations for which a charter school is authorized to limit the enrollment process; requiring a local governing authority to provide a written justification under certain circumstances; providing for the award of attorney fees and court costs under certain circumstances; revising provisions relating to an exemption from ad valorem taxes for specified entities; requiring educational occupant loads for charter schools to be based on specified criteria; authorizing a district school board to construct certain facilities and lease such facilities to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1029 (2020)

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289 charter schools; amending s. 1002.331, F.S.;

290 specifying the number of applications a high-

291 performing charter school may submit in any school

292 district in the state to establish and operate a new

293 charter school; providing applicability; amending s.

294 1002.333, F.S.; requiring the Department of Education

295 to annually provide specified information to school

296 districts by a certain date related to certain school

297 district facilities; authorizing school districts to

298 report specified errors or omissions related to such

299 information by a specified date; requiring the

300 department to publish a final list of such information

301 annually by a specified date; revising the number of

302 years certain funds may be carried forward; amending

303 s. 1002.45, F.S.; authorizing a virtual charter school

304 to provide part-time virtual instruction, be an

305 approved provider, and contract with specified schools

306 for certain purposes; amending s. 1003.493, F.S.;

307 authorizing charter schools to offer career and

308 professional academies; providing