



26 charter school; providing applicability; amending s.  
27 1002.333, F.S.; requiring the Department of Education  
28 to annually provide specified information to school  
29 districts by a certain date related to certain school  
30 district facilities; authorizing school districts to  
31 report specified errors or omissions related to such  
32 information by a specified date; requiring the  
33 department to publish a final list of such information  
34 annually by a specified date; revising the number of  
35 years certain funds may be carried forward; amending  
36 s. 1002.45, F.S.; authorizing a virtual charter school  
37 to provide part-time virtual instruction, be an  
38 approved provider, and contract with specified schools  
39 for certain purposes; amending s. 1003.493, F.S.;  
40 authorizing charter schools to offer career and  
41 professional academies; amending s. 1008.3415, F.S.;  
42 authorizing exceptional student education centers that  
43 meet specified requirements to replicate their  
44 educational programs in a specified manner; providing  
45 an effective date.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Paragraph (b) of subsection (6), paragraph (c)  
50 of subsection (8), paragraph (e) of subsection (10), paragraphs

51 (a), (c), and (e) of subsection (18), and paragraph (a) of  
52 subsection (20) of section 1002.33, Florida Statutes, are  
53 amended to read:

54 1002.33 Charter schools.—

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

57 (b) A sponsor shall receive and review all applications  
58 for a charter school using the evaluation instrument developed  
59 by the Department of Education. A sponsor shall receive and  
60 consider charter school applications received during ~~on or~~  
61 ~~before August 1~~ of each calendar year for charter schools to be  
62 opened at the beginning of the school district's next school  
63 year, or to be opened at a time determined ~~agreed to~~ by the  
64 applicant ~~and the sponsor~~. A sponsor may not refuse to receive a  
65 charter school application submitted by an applicant during the  
66 calendar year. ~~before August 1 and may receive an application~~  
67 ~~submitted later than August 1 if it chooses. Beginning in 2018~~  
68 ~~and thereafter, a sponsor shall receive and consider charter~~  
69 ~~school applications received on or before February 1 of each~~  
70 ~~calendar year for charter schools to be opened 18 months later~~  
71 ~~at the beginning of the school district's school year, or to be~~  
72 ~~opened at a time determined by the applicant. A sponsor may not~~  
73 ~~refuse to receive a charter school application submitted before~~  
74 ~~February 1 and may receive an application submitted later than~~  
75 ~~February 1 if it chooses. A sponsor may not charge an applicant~~

76 | for a charter any fee for the processing or consideration of an  
77 | application, and a sponsor may not base its consideration or  
78 | approval of a final application upon the promise of future  
79 | payment of any kind. Before approving or denying any  
80 | application, the sponsor shall allow the applicant, upon receipt  
81 | of written notification, at least 7 calendar days to make  
82 | technical or nonsubstantive corrections and clarifications,  
83 | including, but not limited to, corrections of grammatical,  
84 | typographical, and like errors or missing signatures, if such  
85 | errors are identified by the sponsor as cause to deny the final  
86 | application.

87 |       1. In order to facilitate an accurate budget projection  
88 | process, a sponsor shall be held harmless for FTE students who  
89 | are not included in the FTE projection due to approval of  
90 | charter school applications after the FTE projection deadline.  
91 | In a further effort to facilitate an accurate budget projection,  
92 | within 15 calendar days after receipt of a charter school  
93 | application, a sponsor shall report to the Department of  
94 | Education the name of the applicant entity, the proposed charter  
95 | school location, and its projected FTE.

96 |       2. In order to ensure fiscal responsibility, an  
97 | application for a charter school shall include a full accounting  
98 | of expected assets, a projection of expected sources and amounts  
99 | of income, including income derived from projected student  
100 | enrollments and from community support, and an expense

101 projection that includes full accounting of the costs of  
102 operation, including start-up costs.

103 3.a. A sponsor shall by a majority vote approve or deny an  
104 application no later than 90 calendar days after the application  
105 is received, unless the sponsor and the applicant mutually agree  
106 in writing to temporarily postpone the vote to a specific date,  
107 at which time the sponsor shall by a majority vote approve or  
108 deny the application. If the sponsor fails to act on the  
109 application, an applicant may appeal to the State Board of  
110 Education as provided in paragraph (c). If an application is  
111 denied, the sponsor shall, within 10 calendar days after such  
112 denial, articulate in writing the specific reasons, based upon  
113 good cause, supporting its denial of the application and shall  
114 provide the letter of denial and supporting documentation to the  
115 applicant and to the Department of Education.

116 b. An application submitted by a high-performing charter  
117 school identified pursuant to s. 1002.331 or a high-performing  
118 charter school system identified pursuant to s. 1002.332 may be  
119 denied by the sponsor only if the sponsor demonstrates by clear  
120 and convincing evidence that:

121 (I) The application of a high-performing charter school  
122 does not materially comply with the requirements in paragraph  
123 (a) or, for a high-performing charter school system, the  
124 application does not materially comply with s. 1002.332(2)(b);

125 (II) The charter school proposed in the application does

126 | not materially comply with the requirements in paragraphs  
127 | (9) (a) - (f);

128 |       (III) The proposed charter school's educational program  
129 | does not substantially replicate that of the applicant or one of  
130 | the applicant's high-performing charter schools;

131 |       (IV) The applicant has made a material misrepresentation  
132 | or false statement or concealed an essential or material fact  
133 | during the application process; or

134 |       (V) The proposed charter school's educational program and  
135 | financial management practices do not materially comply with the  
136 | requirements of this section.

137 |  
138 | Material noncompliance is a failure to follow requirements or a  
139 | violation of prohibitions applicable to charter school  
140 | applications, which failure is quantitatively or qualitatively  
141 | significant either individually or when aggregated with other  
142 | noncompliance. An applicant is considered to be replicating a  
143 | high-performing charter school if the proposed school is  
144 | substantially similar to at least one of the applicant's high-  
145 | performing charter schools and the organization or individuals  
146 | involved in the establishment and operation of the proposed  
147 | school are significantly involved in the operation of replicated  
148 | schools.

149 |       c. If the sponsor denies an application submitted by a  
150 | high-performing charter school or a high-performing charter

151 school system, the sponsor must, within 10 calendar days after  
152 such denial, state in writing the specific reasons, based upon  
153 the criteria in sub-subparagraph b., supporting its denial of  
154 the application and must provide the letter of denial and  
155 supporting documentation to the applicant and to the Department  
156 of Education. The applicant may appeal the sponsor's denial of  
157 the application in accordance with paragraph (c).

158 4. For budget projection purposes, the sponsor shall  
159 report to the Department of Education the approval or denial of  
160 an application within 10 calendar days after such approval or  
161 denial. In the event of approval, the report to the Department  
162 of Education shall include the final projected FTE for the  
163 approved charter school.

164 5. Upon approval of an application, the initial startup  
165 shall commence with the beginning of the public school calendar  
166 for the district in which the charter is granted. A charter  
167 school may defer the opening of the school's operations for up  
168 to 3 years to provide time for adequate facility planning. The  
169 charter school must provide written notice of such intent to the  
170 sponsor and the parents of enrolled students at least 30  
171 calendar days before the first day of school.

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

173 (c) A charter may be terminated immediately if the sponsor  
174 sets forth in writing the particular facts and circumstances  
175 demonstrating ~~indicating~~ that an immediate and serious danger to

176 the health, safety, or welfare of the charter school's students  
177 exists, that the immediate and serious danger is likely to  
178 continue, and that an immediate termination of the charter is  
179 necessary to stop the emergency. The sponsor's determination is  
180 subject to the procedures set forth in paragraph (b), except  
181 that the hearing may take place after the charter has been  
182 terminated. The sponsor shall notify in writing the charter  
183 school's governing board, the charter school principal, and the  
184 department of the facts and circumstances supporting the  
185 emergency termination ~~if a charter is terminated immediately.~~  
186 The sponsor shall clearly identify the specific issues that  
187 resulted in the immediate termination and provide evidence of  
188 prior notification of issues resulting in the immediate  
189 termination if applicable ~~when appropriate.~~ Upon receiving  
190 written notice from the sponsor, the charter school's governing  
191 board has 10 calendar days to request a hearing. A requested  
192 hearing must be expedited and the final order must be issued  
193 within 60 days after the date of request. The sponsor shall  
194 assume operation of the charter school throughout the pendency  
195 of the hearing under paragraph (b) unless the continued  
196 operation of the charter school would materially threaten the  
197 health, safety, or welfare of the students. Failure by the  
198 sponsor to assume and continue operation of the charter school  
199 shall result in the awarding of reasonable costs and attorney  
200 ~~attorney's~~ fees to the charter school if the charter school

201 prevails on appeal.

202 (10) ELIGIBLE STUDENTS.—

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

205 1. Students within specific age groups or grade levels.

206 2. Students considered at risk of dropping out of school  
207 or academic failure. Such students shall include exceptional  
208 education students.

209 3. Students enrolling in a charter school-in-the-workplace  
210 or charter school-in-a-municipality established pursuant to  
211 subsection (15).

212 4. Students residing within a reasonable distance of the  
213 charter school, as described in paragraph (20)(c). Such students  
214 shall be subject to a random lottery and to the racial/ethnic  
215 balance provisions described in subparagraph (7)(a)8. or any  
216 federal provisions that require a school to achieve a  
217 racial/ethnic balance reflective of the community it serves or  
218 within the racial/ethnic range of other nearby public schools ~~in~~  
219 ~~the same school district.~~

220 5. Students who meet reasonable academic, artistic, or  
221 other eligibility standards established by the charter school  
222 and included in the charter school application and charter or,  
223 in the case of existing charter schools, standards that are  
224 consistent with the school's mission and purpose. Such standards  
225 shall be in accordance with current state law and practice in

226 public schools and may not discriminate against otherwise  
227 qualified individuals.

228 6. Students articulating from one charter school to  
229 another pursuant to an articulation agreement between the  
230 charter schools that has been approved by the sponsor.

231 7. Students living in a development in which a developer,  
232 including any affiliated business entity or charitable  
233 foundation, contributes to the formation, acquisition,  
234 construction, or operation of one or more charter schools or  
235 charter ~~provides the school facilities facility~~ and related  
236 property in an amount equal to or having a total ~~an~~ appraised  
237 value of at least \$5 million to be used as ~~a~~ charter schools  
238 ~~school~~ to mitigate the educational impact created by the  
239 development of new residential dwelling units. Students living  
240 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
241 percent of the student stations in the charter schools ~~school~~.  
242 The students who are eligible for enrollment are subject to a  
243 random lottery, the racial/ethnic balance provisions, or any  
244 federal provisions, as described in subparagraph 4. The  
245 remainder of the student stations must ~~shall~~ be filled in  
246 accordance with subparagraph 4.

247 (18) FACILITIES.—

248 (a) A startup charter school shall utilize facilities  
249 which comply with the Florida Building Code pursuant to chapter  
250 553 except for the State Requirements for Educational

251 Facilities. Conversion charter schools shall utilize facilities  
252 that comply with the State Requirements for Educational  
253 Facilities provided that the school district and the charter  
254 school have entered into a mutual management plan for the  
255 reasonable maintenance of such facilities. The mutual management  
256 plan shall contain a provision by which the district school  
257 board agrees to maintain charter school facilities in the same  
258 manner as its other public schools within the district. Charter  
259 schools, with the exception of conversion charter schools, are  
260 not required to comply, but may choose to comply, with the State  
261 Requirements for Educational Facilities of the Florida Building  
262 Code adopted pursuant to s. 1013.37. The local governing  
263 authority shall not adopt or impose any local building  
264 requirements or site-development restrictions, such as parking  
265 and site-size criteria, student enrollment, and occupant load,  
266 that are addressed by and more stringent than those found in the  
267 State Requirements for Educational Facilities of the Florida  
268 Building Code. A local governing authority must treat charter  
269 schools equitably in comparison to similar requirements,  
270 restrictions, and site planning processes imposed upon public  
271 schools that are not charter schools. If requested by a charter  
272 school, a local governing authority must provide a written  
273 justification for any challenged requirements, restrictions, or  
274 site planning processes within 14 days. The agency having  
275 jurisdiction for inspection of a facility and issuance of a

276 certificate of occupancy or use shall be the local municipality  
 277 or, if in an unincorporated area, the county governing  
 278 authority. If an official or employee of the local governing  
 279 authority refuses to comply with this paragraph, the aggrieved  
 280 school or entity has an immediate right to bring an action in  
 281 circuit court to enforce its rights by injunction. If a court  
 282 finds that the local governing authority failed to treat the  
 283 charter school equitably, the court shall award attorney fees  
 284 and court costs to the charter school. An aggrieved party that  
 285 receives injunctive relief may be awarded attorney fees and  
 286 court costs.

287 (c) Any facility, or portion thereof, used to house a  
 288 charter school whose charter has been approved by the sponsor  
 289 and the governing board, pursuant to subsection (7), shall be  
 290 exempt from ad valorem taxes pursuant to s. 196.1983. Libraries  
 291 ~~Library~~, community service facilities, museums ~~museum~~,  
 292 performing arts facilities, theatres ~~theatre~~, cinemas ~~cinema~~,  
 293 churches and other places of worship ~~church~~, Florida College  
 294 System institutions ~~institution~~, colleges ~~college~~, and  
 295 universities ~~university facilities~~ may provide land or facility  
 296 space to charter schools ~~within their facilities~~ under their  
 297 preexisting zoning and land use designations. Local governing  
 298 authorities may not impose any additional requirements,  
 299 including, without limitation, requiring ~~obtaining a~~ special  
 300 exception, rezoning, or a land use changes or other site-

301 specific or use requirements or processes.

302

303 The educational occupant load for the charter school within  
304 these facilities shall be solely based on the criteria set forth  
305 in the Florida Building Code and the Florida Fire Prevention  
306 Code. No other restrictions on the number of students in the  
307 facility apply ~~change~~.

308 (e) If a district school board facility or property is  
309 available because it is surplus, marked for disposal, or  
310 otherwise unused, it shall be provided for a charter school's  
311 use on the same basis as it is made available to other public  
312 schools in the district. A charter school receiving property  
313 from the school district may not sell or dispose of such  
314 property without written permission of the school district.  
315 Similarly, for an existing public school converting to charter  
316 status, no rental or leasing fee for the existing facility or  
317 for the property normally inventoried to the conversion school  
318 may be charged by the district school board to the parents and  
319 teachers organizing the charter school. The charter school shall  
320 agree to reasonable maintenance provisions in order to maintain  
321 the facility in a manner similar to district school board  
322 standards. The Public Education Capital Outlay maintenance funds  
323 or any other maintenance funds generated by the facility  
324 operated as a conversion school shall remain with the conversion  
325 school. A district school board may construct educational

326 | facilities and ancillary facilities on land owned by the  
327 | district school board and lease such facilities to a charter  
328 | school.

329 | (20) SERVICES.—

330 | (a)1. A sponsor shall provide certain administrative and  
331 | educational services to charter schools. These services shall  
332 | include contract management services; full-time equivalent and  
333 | data reporting services; exceptional student education  
334 | administration services; services related to eligibility and  
335 | reporting duties required to ensure that school lunch services  
336 | under the National School Lunch Program, consistent with the  
337 | needs of the charter school, are provided by the school district  
338 | at the request of the charter school, that any funds due to the  
339 | charter school under the National School Lunch Program be paid  
340 | to the charter school as soon as the charter school begins  
341 | serving food under the National School Lunch Program, and that  
342 | the charter school is paid at the same time and in the same  
343 | manner under the National School Lunch Program as other public  
344 | schools serviced by the sponsor or the school district; test  
345 | administration services, including payment of the costs of  
346 | state-required or district-required student assessments;  
347 | processing of teacher certificate data services; and information  
348 | services, including equal access to student information systems  
349 | that are used by public schools in the district in which the  
350 | charter school is located. Student performance data for each

351 student in a charter school, including, but not limited to, FCAT  
352 scores, standardized test scores, previous public school student  
353 report cards, and student performance measures, shall be  
354 provided by the sponsor to a charter school in the same manner  
355 provided to other public schools in the district.

356 2. A sponsor may withhold an administrative fee for the  
357 provision of such services which shall be a percentage of the  
358 available funds defined in paragraph (17)(b) calculated based on  
359 weighted full-time equivalent students. If the charter school  
360 serves 75 percent or more exceptional education students as  
361 defined in s. 1003.01(3), the percentage shall be calculated  
362 based on unweighted full-time equivalent students. The  
363 administrative fee shall be calculated as follows:

364 a. Up to 5 percent for:

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

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

369 (A) Includes conversion charter schools and nonconversion  
370 charter schools.

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

372 (C) Has a total enrollment exceeding the total enrollment  
373 of at least one school district in the state.

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

375 (E) Does not contract with a for-profit service provider

376 | for management of school operations.

377 |       (III) Enrollment of up to and including 250 students in a  
378 | virtual charter school.

379 |       b. Up to 2 percent for enrollment of up to and including  
380 | 250 students in a high-performing charter school as defined in  
381 | s. 1002.331.

382 |       c. Up to 2 percent for enrollment of up to and including  
383 | 250 students in an exceptional student education center that  
384 | meets the requirements of s. 1008.3415(3).

385 |       3. A sponsor may not charge charter schools any additional  
386 | fees or surcharges for administrative and educational services  
387 | in addition to the maximum percentage of administrative fees  
388 | withheld pursuant to this paragraph.

389 |       4. A sponsor shall provide to the department by September  
390 | 15 of each year the total amount of funding withheld from  
391 | charter schools pursuant to this subsection for the prior fiscal  
392 | year. The department must include the information in the report  
393 | required under sub-sub-subparagraph (5)(b)1.k.(III).

394 |       Section 2. Subsection (3) of section 1002.331, Florida  
395 | Statutes, is amended to read:

396 |       1002.331 High-performing charter schools.—

397 |       (3)(a)1. A high-performing charter school may submit an  
398 | application pursuant to s. 1002.33(6) in any school district in  
399 | the state to establish and operate a new charter school that  
400 | will substantially replicate its educational program. An

401 application submitted by a high-performing charter school must  
402 state that the application is being submitted pursuant to this  
403 paragraph and must include the verification letter provided by  
404 the Commissioner of Education pursuant to subsection (4).

405 2. If the sponsor fails to act on the application within  
406 90 days after receipt, the application is deemed approved and  
407 the procedure in s. 1002.33(7) applies.

408 (b) A high-performing charter school may submit two  
409 applications for a charter school ~~not establish more than two~~  
410 ~~charter schools~~ within the state under paragraph (a) to be  
411 opened at a time determined by the high-performing charter  
412 school in any year. A subsequent application to establish a  
413 charter school under paragraph (a) may not be submitted unless  
414 each charter school application commences operations or an  
415 application is otherwise withdrawn ~~each charter school~~  
416 ~~established in this manner achieves high-performing charter~~  
417 ~~school status~~. However, a high-performing charter school may  
418 establish more than one charter school within the state under  
419 paragraph (a) in any year if it operates in the area of a  
420 persistently low-performing school and serves students from that  
421 school.

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

424 Section 3. Paragraph (d) of subsection (7) and paragraph  
425 (b) of subsection (10) of section 1002.333, Florida Statutes,

426 are amended to read:

427 1002.333 Persistently low-performing schools.—

428 (7) FACILITIES.—

429 (d) No later than January ~~October~~ 1, the department ~~each~~  
 430 ~~school district~~ shall annually provide to each school district  
 431 ~~the Department of Education~~ a list of all underused, vacant, or  
 432 surplus facilities owned or operated by the school district as  
 433 reported in the Florida Inventory of School Houses. A school  
 434 district may provide evidence to the department within 30 days  
 435 after receiving the list that such list contains errors or  
 436 omissions. Annually, by April 1, the department shall update and  
 437 publish a final list of all underused, vacant, and surplus  
 438 facilities owned or operated by each school district based upon  
 439 the updated information provided by each school district. A hope  
 440 operator establishing a school of hope may use an educational  
 441 facility identified in this paragraph at no cost or at a  
 442 mutually agreeable cost not to exceed \$600 per student. A hope  
 443 operator using a facility pursuant to this paragraph may not  
 444 sell or dispose of such facility without the written permission  
 445 of the school district. For purposes of this paragraph, the term  
 446 "underused, vacant, or surplus facility" means an entire  
 447 facility or portion thereof which is not fully used or is used  
 448 irregularly or intermittently by the school district for  
 449 instructional or program use.

450 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program

451 is created within the Department of Education.

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

457 Section 4. Paragraph (d) of subsection (1) of section  
458 1002.45, Florida Statutes, is amended to read:

459 1002.45 Virtual instruction programs.—

460 (1) PROGRAM.—

461 (d) A virtual charter school may provide full-time and  
462 part-time virtual instruction for students in kindergarten  
463 through grade 12 if the virtual charter school has a charter  
464 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
465 ~~instruction~~. A virtual charter school may:

466 1. Contract with the Florida Virtual School.

467 2. Contract with or be an approved provider under  
468 subsection (2).

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

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

476 Section 5. Paragraph (a) of subsection (1) of section  
477 1003.493, Florida Statutes, is amended to read:

478 1003.493 Career and professional academies and career-  
479 themed courses.—

480 (1)(a) A "career and professional academy" is a research-  
481 based program that integrates a rigorous academic curriculum  
482 with an industry-specific curriculum aligned directly to  
483 priority workforce needs established by the local workforce  
484 development board or the Department of Economic Opportunity.  
485 Career and professional academies shall be offered by public  
486 schools and school districts. Career and professional academies  
487 may be offered by charter schools. The Florida Virtual School is  
488 encouraged to develop and offer rigorous career and professional  
489 courses as appropriate. Students completing career and  
490 professional academy programs must receive a standard high  
491 school diploma, the highest available industry certification,  
492 and opportunities to earn postsecondary credit if the academy  
493 partners with a postsecondary institution approved to operate in  
494 the state.

495 Section 6. Subsection (3) of section 1008.3415, Florida  
496 Statutes, is renumbered as subsection (4), and a new subsection  
497 (3) is added to that section to read:

498 1008.3415 School grade or school improvement rating for  
499 exceptional student education centers.—

500 (3) An exceptional student education center that receives

CS/CS/HB 1029

2020

501 | two consecutive ratings of "maintaining" or higher may replicate  
502 | its educational program in the same manner as a high-performing  
503 | charter school under s. 1002.331(3).

504 |       Section 7. This act shall take effect July 1, 2020.