



576-03580-20

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to charter schools; amending s.
1002.33, F.S.; prohibiting sponsors from refusing to
receive a charter school application submitted during
the calendar year; revising how charter schools
operated by not-for-profit or municipal entities may
use certain unrestricted current and capital assets;
amending s. 1002.331, F.S.; specifying how many
applications a high-performing charter school may
submit in any school district in the state to
establish and operate a new charter school; providing
applicability; amending s. 1002.45, F.S.; revising the
virtual instruction a virtual charter school may
provide; authorizing virtual charter schools to offer
part-time virtual instruction to certain students
beginning in a specified school year; providing an
effective date.

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

Section 1. Paragraph (b) of subsection (6) and paragraph
(b) of subsection (17) of section 1002.33, Florida Statutes, are
amended to read:

1002.33 Charter schools.—

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

(b) A sponsor shall receive and review all applications for



576-03580-20

28 a charter school using the evaluation instrument developed by
29 the Department of Education. A sponsor shall receive and
30 consider charter school applications received during ~~on or~~
31 ~~before August 1~~ of each calendar year for charter schools to be
32 opened at the beginning of the school district's next school
33 year, or to be opened at a time determined ~~agreed to~~ by the
34 applicant ~~and the sponsor~~. A sponsor may not refuse to receive a
35 charter school application submitted by an applicant during the
36 calendar year. ~~before August 1 and may receive an application~~
37 ~~submitted later than August 1 if it chooses. Beginning in 2018~~
38 ~~and thereafter, a sponsor shall receive and consider charter~~
39 ~~school applications received on or before February 1 of each~~
40 ~~calendar year for charter schools to be opened 18 months later~~
41 ~~at the beginning of the school district's school year, or to be~~
42 ~~opened at a time determined by the applicant. A sponsor may not~~
43 ~~refuse to receive a charter school application submitted before~~
44 ~~February 1 and may receive an application submitted later than~~
45 ~~February 1 if it chooses. A sponsor may not charge an applicant~~
46 for a charter any fee for the processing or consideration of an
47 application, and a sponsor may not base its consideration or
48 approval of a final application upon the promise of future
49 payment of any kind. Before approving or denying any
50 application, the sponsor shall allow the applicant, upon receipt
51 of written notification, at least 7 calendar days to make
52 technical or nonsubstantive corrections and clarifications,
53 including, but not limited to, corrections of grammatical,
54 typographical, and like errors or missing signatures, if such
55 errors are identified by the sponsor as cause to deny the final
56 application.



576-03580-20

57 1. In order to facilitate an accurate budget projection
58 process, a sponsor shall be held harmless for FTE students who
59 are not included in the FTE projection due to approval of
60 charter school applications after the FTE projection deadline.
61 In a further effort to facilitate an accurate budget projection,
62 within 15 calendar days after receipt of a charter school
63 application, a sponsor shall report to the Department of
64 Education the name of the applicant entity, the proposed charter
65 school location, and its projected FTE.

66 2. In order to ensure fiscal responsibility, an application
67 for a charter school shall include a full accounting of expected
68 assets, a projection of expected sources and amounts of income,
69 including income derived from projected student enrollments and
70 from community support, and an expense projection that includes
71 full accounting of the costs of operation, including start-up
72 costs.

73 3.a. A sponsor shall by a majority vote approve or deny an
74 application no later than 90 calendar days after the application
75 is received, unless the sponsor and the applicant mutually agree
76 in writing to temporarily postpone the vote to a specific date,
77 at which time the sponsor shall by a majority vote approve or
78 deny the application. If the sponsor fails to act on the
79 application, an applicant may appeal to the State Board of
80 Education as provided in paragraph (c). If an application is
81 denied, the sponsor shall, within 10 calendar days after such
82 denial, articulate in writing the specific reasons, based upon
83 good cause, supporting its denial of the application and shall
84 provide the letter of denial and supporting documentation to the
85 applicant and to the Department of Education.



576-03580-20

86 b. An application submitted by a high-performing charter
87 school identified pursuant to s. 1002.331 or a high-performing
88 charter school system identified pursuant to s. 1002.332 may be
89 denied by the sponsor only if the sponsor demonstrates by clear
90 and convincing evidence that:

91 (I) The application of a high-performing charter school
92 does not materially comply with the requirements in paragraph
93 (a) or, for a high-performing charter school system, the
94 application does not materially comply with s. 1002.332(2)(b);

95 (II) The charter school proposed in the application does
96 not materially comply with the requirements in paragraphs
97 (9)(a)-(f);

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

101 (IV) The applicant has made a material misrepresentation or
102 false statement or concealed an essential or material fact
103 during the application process; or

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

107
108 Material noncompliance is a failure to follow requirements or a
109 violation of prohibitions applicable to charter school
110 applications, which failure is quantitatively or qualitatively
111 significant either individually or when aggregated with other
112 noncompliance. An applicant is considered to be replicating a
113 high-performing charter school if the proposed school is
114 substantially similar to at least one of the applicant's high-



576-03580-20

115 performing charter schools and the organization or individuals
116 involved in the establishment and operation of the proposed
117 school are significantly involved in the operation of replicated
118 schools.

119 c. If the sponsor denies an application submitted by a
120 high-performing charter school or a high-performing charter
121 school system, the sponsor must, within 10 calendar days after
122 such denial, state in writing the specific reasons, based upon
123 the criteria in sub-subparagraph b., supporting its denial of
124 the application and must provide the letter of denial and
125 supporting documentation to the applicant and to the Department
126 of Education. The applicant may appeal the sponsor's denial of
127 the application in accordance with paragraph (c).

128 4. For budget projection purposes, the sponsor shall report
129 to the Department of Education the approval or denial of an
130 application within 10 calendar days after such approval or
131 denial. In the event of approval, the report to the Department
132 of Education shall include the final projected FTE for the
133 approved charter school.

134 5. Upon approval of an application, the initial startup
135 shall commence with the beginning of the public school calendar
136 for the district in which the charter is granted. A charter
137 school may defer the opening of the school's operations for up
138 to 3 years to provide time for adequate facility planning. The
139 charter school must provide written notice of such intent to the
140 sponsor and the parents of enrolled students at least 30
141 calendar days before the first day of school.

142 (17) FUNDING.—Students enrolled in a charter school,
143 regardless of the sponsorship, shall be funded as if they are in



576-03580-20

144 a basic program or a special program, the same as students
145 enrolled in other public schools in the school district. Funding
146 for a charter lab school shall be as provided in s. 1002.32.

147 (b) The basis for the agreement for funding students
148 enrolled in a charter school shall be the sum of the school
149 district's operating funds from the Florida Education Finance
150 Program as provided in s. 1011.62 and the General Appropriations
151 Act, including gross state and local funds, discretionary
152 lottery funds, and funds from the school district's current
153 operating discretionary millage levy; divided by total funded
154 weighted full-time equivalent students in the school district;
155 multiplied by the weighted full-time equivalent students for the
156 charter school. Charter schools whose students or programs meet
157 the eligibility criteria in law are entitled to their
158 proportionate share of categorical program funds included in the
159 total funds available in the Florida Education Finance Program
160 by the Legislature, including transportation, the research-based
161 reading allocation, and the Florida digital classrooms
162 allocation. Total funding for each charter school shall be
163 recalculated during the year to reflect the revised calculations
164 under the Florida Education Finance Program by the state and the
165 actual weighted full-time equivalent students reported by the
166 charter school during the full-time equivalent student survey
167 periods designated by the Commissioner of Education. For charter
168 schools operated by a not-for-profit or municipal entity, any
169 unrestricted current and capital assets identified in the
170 charter school's annual financial audit may be used for other
171 charter schools operated by the not-for-profit or municipal
172 entity within the state ~~school district~~. Unrestricted current



576-03580-20

173 assets shall be used in accordance with s. 1011.62, and any
174 unrestricted capital assets shall be used in accordance with s.
175 1013.62(2). For this purpose, only unrestricted assets from
176 state sources may be used. For unrestricted assets to be used in
177 accordance with s. 1011.62, if state and local funds cannot be
178 identified, the percentage of state and local funds based on the
179 total funds allocated to the school district from the Florida
180 Education Finance Program shall be applied to the unrestricted
181 assets to determine the unrestricted funds available to be
182 provided to another charter school pursuant to this paragraph.

183 Section 2. Subsection (3) of section 1002.331, Florida
184 Statutes, is amended to read:

185 1002.331 High-performing charter schools.-

186 (3) (a) 1. A high-performing charter school may submit an
187 application pursuant to s. 1002.33(6) in any school district in
188 the state to establish and operate a new charter school that
189 will substantially replicate its educational program. An
190 application submitted by a high-performing charter school must
191 state that the application is being submitted pursuant to this
192 paragraph and must include the verification letter provided by
193 the Commissioner of Education pursuant to subsection (4).

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

197 (b) A high-performing charter school may submit two
198 applications for a charter school ~~not establish more than two~~
199 ~~charter schools~~ within the state under paragraph (a) to be
200 opened at a time determined by the high-performing charter
201 school. ~~in any year.~~ A subsequent application to establish a



576-03580-20

202 charter school under paragraph (a) may not be submitted unless
203 each charter school application commences operations or an
204 application is otherwise withdrawn. ~~each charter school~~
205 ~~established in this manner achieves high-performing charter~~
206 ~~school status.~~ However, a high-performing charter school may
207 establish more than one charter school within the state under
208 paragraph (a) in any year if it operates in the area of a
209 persistently low-performing school and serves students from that
210 school.

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

213 Section 3. Paragraph (d) of subsection (1) of section
214 1002.45, Florida Statutes, is amended to read:

215 1002.45 Virtual instruction programs.—

216 (1) PROGRAM.—

217 (d) A virtual charter school may provide full-time virtual
218 instruction for students in kindergarten through grade 12, and,
219 beginning in the 2020-2021 fiscal year, may provide part-time
220 virtual instruction for students in kindergarten through grade
221 12 who were enrolled in a public school the prior year, if the
222 virtual charter school has a charter approved pursuant to s.
223 1002.33 ~~authorizing full-time virtual instruction.~~ A virtual
224 charter school may:

225 1. Contract with the Florida Virtual School.

226 2. Contract with or be an approved provider under
227 subsection (2).

228 3. Enter into an agreement with a school district to allow
229 the participation of the virtual charter school's students in
230 the school district's virtual instruction program. The agreement



576-03580-20

231 must indicate a process for reporting of student enrollment and
232 the transfer of funds required by paragraph (7) (e).

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

235 Section 4. This act shall take effect July 1, 2020.