

Amendment No.

CHAMBER ACTION

Senate

House

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Representative McClain offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 1001.35, Florida Statutes, is amended to read:

1001.35 Term of office.—District school board members shall be elected at the general election in November for terms of 4 years except that a person may not appear on the ballot for reelection to the office of school board member if, by the end of his or her current term of office, the person will have served, or but for resignation would have served, in that office for 8 consecutive years. Service of a term of office which

353491

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Amendment No.

14 commenced before November 8, 2022, will not be counted toward  
15 the limitation imposed by this section.

16 Section 2. Subsection (2) and paragraph (a) of subsection  
17 (9) of section 1002.32, Florida Statutes, are amended to read:

18 1002.32 Developmental research (laboratory) schools.—

19 (2) ESTABLISHMENT.—There is established a category of  
20 public schools to be known as developmental research  
21 (laboratory) schools (lab schools). Each lab school shall  
22 provide sequential instruction and shall be affiliated with the  
23 college of education within the state university of closest  
24 geographic proximity. A lab school to which a charter has been  
25 issued under s. 1002.33(5)(a) 2. must be affiliated with the  
26 college of education within the state university that issued the  
27 charter, but is not subject to the requirement that the state  
28 university be of closest geographic proximity. For the purpose  
29 of state funding, Florida Agricultural and Mechanical  
30 University, Florida Atlantic University, Florida State  
31 University, the University of Florida, and other universities  
32 approved by the State Board of Education and the Legislature are  
33 authorized to sponsor a lab school. The limitation of one lab  
34 school per university shall not apply to the following  
35 legislatively allowed charter lab schools ~~authorized prior to~~  
36 ~~June 1, 2003~~: Florida State University Charter Lab K-12 School  
37 in Broward County, Florida Atlantic University Charter Lab K-12  
38 ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic

353491

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Amendment No.

39 University Charter Lab K-12 School in St. Lucie County. The  
40 limitation of one lab school per university shall not apply to a  
41 university that establishes a lab school to serve families of a  
42 military installation that is within the same county as a branch  
43 campus that offers programs from the university's college of  
44 education.

45 (9) FUNDING.—Funding for a lab school, including a charter  
46 lab school, shall be provided as follows:

47 (a) Each lab school shall be allocated its proportional  
48 share of operating funds from the Florida Education Finance  
49 Program as provided in s. 1011.62 based on the county in which  
50 the lab school is located and the General Appropriations Act.  
51 The nonvoted ad valorem millage that would otherwise be required  
52 for lab schools shall be allocated from state funds. The  
53 required local effort funds calculated pursuant to s. 1011.62  
54 shall be allocated from state funds to the schools as a part of  
55 the allocation of operating funds pursuant to s. 1011.62. Each  
56 eligible lab school ~~in operation as of September 1, 2013,~~ with a  
57 permanent high school center shall also receive a proportional  
58 share of the sparsity supplement as calculated pursuant to s.  
59 1011.62. In addition, each lab school shall receive its  
60 proportional share of all categorical funds, with the exception  
61 of s. 1011.68, and new categorical funds enacted after July 1,  
62 1994, for the purpose of elementary or secondary academic  
63 program enhancement. The sum of funds available as provided in

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

64 this paragraph shall be included annually in the Florida  
65 Education Finance Program and appropriate categorical programs  
66 funded in the General Appropriations Act.

67 Section 3. Paragraph (d) of subsection (4) of section  
68 1002.321, Florida Statutes, is amended to read:

69 1002.321 Digital learning.—

70 (4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district  
71 must establish multiple opportunities for student participation  
72 in part-time and full-time kindergarten through grade 12 virtual  
73 instruction. Options include, but are not limited to:

74 (d) ~~Full-time~~ Virtual charter school instruction  
75 authorized under s. 1002.33.

76 Section 4. Subsection (1), paragraph (c) of subsection  
77 (2), subsection (5), paragraphs (b) and (d) of subsection (6),  
78 paragraphs (a), (b), and (d) of subsection (7), paragraphs (c),  
79 (d) and (e) of subsection (8), paragraphs (g) and (n) of  
80 subsection (9), paragraphs (d) and (e) of subsection (10),  
81 subsection (14), paragraph (c) of subsection (15), subsection  
82 (17), paragraph (e) of subsection (18), subsections (20) and  
83 (21), paragraph (a) of subsection (25), and subsection (28) of  
84 section 1002.33, Florida Statutes, are amended to read:

85 1002.33 Charter schools.—

86 (1) AUTHORIZATION.—All charter schools in Florida are  
87 public schools and shall be part of the state's program of  
88 public education. A charter school may be formed by creating a

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

89 new school or converting an existing public school to charter  
90 status. A charter school may operate a virtual charter school  
91 pursuant to s. 1002.45(1)(d) to provide ~~full-time~~ online  
92 instruction to students, pursuant to s. 1002.455, in  
93 kindergarten through grade 12. The school district in which the  
94 student enrolls in the virtual charter school shall report the  
95 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
96 the home school district shall not report the student for  
97 funding. An existing charter school that is seeking to become a  
98 virtual charter school must amend its charter or submit a new  
99 application pursuant to subsection (6) to become a virtual  
100 charter school. A virtual charter school is subject to the  
101 requirements of this section; however, a virtual charter school  
102 is exempt from subsections (18) and (19), paragraph (20)(c), and  
103 s. 1003.03. A public school may not use the term charter in its  
104 name unless it has been approved under this section.

105 (2) GUIDING PRINCIPLES; PURPOSE.—

106 (c) Charter schools may fulfill the following purposes:

- 107 1. Create innovative measurement tools.
- 108 2. Provide rigorous competition within the public school  
109 system ~~district~~ to stimulate continual improvement in all public  
110 schools.
- 111 3. Expand the capacity of the public school system.
- 112 4. Mitigate the educational impact created by the  
113 development of new residential dwelling units.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

114 5. Create new professional opportunities for teachers,  
115 including ownership of the learning program at the school site.

116 (5) SPONSOR; DUTIES.—

117 (a) Sponsoring entities.—

118 1. A district school board may sponsor a charter school in  
119 the county over which the district school board has  
120 jurisdiction.

121 2. A state university may grant a charter to a lab school  
122 created under s. 1002.32 and shall be considered to be the  
123 school's sponsor. Such school shall be considered a charter lab  
124 school.

125 3. Because needs relating to educational capacity,  
126 workforce qualifications, and career education opportunities are  
127 constantly changing and extend beyond school district  
128 boundaries:

129 a. A state university may, upon approval by the Department  
130 of Education, solicit applications and sponsor a charter school  
131 to meet regional education or workforce demands by serving  
132 students from multiple school districts.

133 b. A Florida College System institution may, upon approval  
134 by the Department of Education, solicit applications and sponsor  
135 a charter school in any county within its service area to meet  
136 workforce demands and may offer postsecondary programs leading  
137 to industry certifications to eligible charter school students.  
138 A charter school established under subparagraph (b)4. may not be

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

139 sponsored by a Florida College System institution until its  
140 existing charter with the school district expires as provided  
141 under subsection (7).

142 c. Notwithstanding paragraph (6) (b), a state university or  
143 Florida College System institution may, at its discretion, deny  
144 an application for a charter school.

145 (b) Sponsor duties.—

146 1.a. The sponsor shall monitor and review the charter  
147 school in its progress toward the goals established in the  
148 charter.

149 b. The sponsor shall monitor the revenues and expenditures  
150 of the charter school and perform the duties provided in s.  
151 1002.345.

152 c. The sponsor may approve a charter for a charter school  
153 before the applicant has identified space, equipment, or  
154 personnel, if the applicant indicates approval is necessary for  
155 it to raise working funds.

156 d. The sponsor shall not apply its policies to a charter  
157 school unless mutually agreed to by both the sponsor and the  
158 charter school. If the sponsor subsequently amends any agreed-  
159 upon sponsor policy, the version of the policy in effect at the  
160 time of the execution of the charter, or any subsequent  
161 modification thereof, shall remain in effect and the sponsor may  
162 not hold the charter school responsible for any provision of a

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

163 newly revised policy until the revised policy is mutually agreed  
164 upon.

165 e. The sponsor shall ensure that the charter is innovative  
166 and consistent with the state education goals established by s.  
167 1000.03(5).

168 f. The sponsor shall ensure that the charter school  
169 participates in the state's education accountability system. If  
170 a charter school falls short of performance measures included in  
171 the approved charter, the sponsor shall report such shortcomings  
172 to the Department of Education.

173 g. The sponsor shall not be liable for civil damages under  
174 state law for personal injury, property damage, or death  
175 resulting from an act or omission of an officer, employee,  
176 agent, or governing body of the charter school.

177 h. The sponsor shall not be liable for civil damages under  
178 state law for any employment actions taken by an officer,  
179 employee, agent, or governing body of the charter school.

180 i. The sponsor's duties to monitor the charter school  
181 shall not constitute the basis for a private cause of action.

182 j. The sponsor shall not impose additional reporting  
183 requirements on a charter school without providing reasonable  
184 and specific justification in writing to the charter school.

185 k. The sponsor shall submit an annual report to the  
186 Department of Education in a web-based format to be determined  
187 by the department.

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

- 188 (I) The report shall include the following information:  
189 ~~(A) The number of draft applications received on or before~~  
190 ~~May 1 and each applicant's contact information.~~
- 191 (A)~~(B)~~ The number of ~~final~~ applications received on or  
192 before February ~~August~~ 1 and each applicant's contact  
193 information.
- 194 (B)~~(C)~~ The date each application was approved, denied, or  
195 withdrawn.
- 196 (C)~~(D)~~ The date each final contract was executed.
- 197 (II) Annually, by November 1 ~~Beginning August 31, 2013,~~  
198 ~~and each year thereafter,~~ the sponsor shall submit to the  
199 department the information for the applications submitted the  
200 previous year.
- 201 (III) The department shall compile an annual report, by  
202 sponsor district, and post the report on its website by January  
203 15 ~~November 1~~ of each year.
- 204 2. Immunity for the sponsor of a charter school under  
205 subparagraph 1. applies only with respect to acts or omissions  
206 not under the sponsor's direct authority as described in this  
207 section.
- 208 3. This paragraph does not waive a sponsor's district  
209 ~~school board's~~ sovereign immunity.
- 210 4. A Florida College System institution may work with the  
211 school district or school districts in its designated service  
212 area to develop charter schools that offer secondary education.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

213 These charter schools must include an option for students to  
214 receive an associate degree upon high school graduation. If a  
215 Florida College System institution operates an approved teacher  
216 preparation program under s. 1004.04 or s. 1004.85, the  
217 institution may operate ~~no more than one~~ charter schools ~~school~~  
218 that serve ~~serves~~ students in kindergarten through grade 12 in  
219 any school district within the service area of the institution.  
220 ~~In kindergarten through grade 8, the charter school shall~~  
221 ~~implement innovative blended learning instructional models in~~  
222 ~~which, for a given course, a student learns in part through~~  
223 ~~online delivery of content and instruction with some element of~~  
224 ~~student control over time, place, path, or pace and in part at a~~  
225 ~~supervised brick-and-mortar location away from home. A student~~  
226 ~~in a blended learning course must be a full-time student of the~~  
227 ~~charter school and receive the online instruction in a classroom~~  
228 ~~setting at the charter school.~~ District school boards shall  
229 cooperate with and assist the Florida College System institution  
230 on the charter application. Florida College System institution  
231 applications for charter schools are not subject to the time  
232 deadlines outlined in subsection (6) and may be approved by the  
233 district school board at any time during the year. Florida  
234 College System institutions may not report FTE for any students  
235 participating under this subparagraph who receive FTE funding  
236 through the Florida Education Finance Program.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

237           5. For purposes of assisting the development of a charter  
238 school, a school district may enter into nonexclusive interlocal  
239 agreements with federal and state agencies, counties,  
240 municipalities, and other governmental entities that operate  
241 within the geographical borders of the school district to act on  
242 behalf of such governmental entities in the inspection,  
243 issuance, and other necessary activities for all necessary  
244 permits, licenses, and other permissions that a charter school  
245 needs in order for development, construction, or operation. A  
246 charter school may use, but may not be required to use, a school  
247 district for these services. The interlocal agreement must  
248 include, but need not be limited to, the identification of fees  
249 that charter schools will be charged for such services. The fees  
250 must consist of the governmental entity's fees plus a fee for  
251 the school district to recover no more than actual costs for  
252 providing such services. These services and fees are not  
253 included within the services to be provided pursuant to  
254 subsection (20). Notwithstanding any other provision of law, an  
255 interlocal agreement between a school district and a federal or  
256 state agency, county, municipality, or other governmental entity  
257 that prohibits or limits the creation of a charter school within  
258 the geographical borders of the school district is void and  
259 unenforceable.

260           6. The board of trustees of a sponsoring state university  
261 or Florida College System institution under paragraph (a) is the

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

262 local educational agency for all charter schools it sponsors for  
263 purposes of receiving federal funds and accepts full  
264 responsibility for all local educational agency requirements and  
265 the schools for which it will perform local educational agency  
266 responsibilities. A student enrolled in a charter school that is  
267 sponsored by a state university or Florida College System  
268 institution may not be included in the calculation of the school  
269 district's grade under s. 1008.34(5) for the school district in  
270 which he or she resides.

271 (c) Sponsor accountability.-

272 1. The department shall, in collaboration with charter  
273 school sponsors and charter school operators, develop a sponsor  
274 evaluation framework that must address, at a minimum:

275 a. The sponsor's strategic vision for charter school  
276 authorizing and the sponsor's progress toward that vision.

277 b. The alignment of the sponsor's policies and practices  
278 to best practices for charter school authorizing.

279 c. The academic and financial performance of all operating  
280 charter schools overseen by the sponsor.

281 d. The status of charter schools authorized by the  
282 sponsor, including approved, operating, and closed schools.

283 2. The department shall compile the results, by sponsor,  
284 and include the results in the report required under sub-sub-  
285 subparagraph (b)1.k.(III).

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

286 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
287 applications are subject to the following requirements:  
288 (b) A sponsor shall receive and review all applications  
289 for a charter school using the evaluation instrument developed  
290 by the Department of Education. ~~A sponsor shall receive and~~  
291 ~~consider charter school applications received on or before~~  
292 ~~August 1 of each calendar year for charter schools to be opened~~  
293 ~~at the beginning of the school district's next school year, or~~  
294 ~~to be opened at a time agreed to by the applicant and the~~  
295 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
296 ~~application submitted before August 1 and may receive an~~  
297 ~~application submitted later than August 1 if it chooses.~~  
298 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
299 consider charter school applications received on or before  
300 February 1 of each calendar year for charter schools to be  
301 opened 18 months later at the beginning of the ~~school district's~~  
302 school year, or to be opened at a time determined by the  
303 applicant. A sponsor may not refuse to receive a charter school  
304 application submitted before February 1 and may receive an  
305 application submitted later than February 1 if it chooses. A  
306 sponsor may not charge an applicant for a charter any fee for  
307 the processing or consideration of an application, and a sponsor  
308 may not base its consideration or approval of a final  
309 application upon the promise of future payment of any kind.  
310 Before approving or denying any application, the sponsor shall

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

311 allow the applicant, upon receipt of written notification, at  
312 least 7 calendar days to make technical or nonsubstantive  
313 corrections and clarifications, including, but not limited to,  
314 corrections of grammatical, typographical, and like errors or  
315 missing signatures, if such errors are identified by the sponsor  
316 as cause to deny the final application.

317 1. In order to facilitate an accurate budget projection  
318 process, a sponsor shall be held harmless for FTE students who  
319 are not included in the FTE projection due to approval of  
320 charter school applications after the FTE projection deadline.  
321 In a further effort to facilitate an accurate budget projection,  
322 within 15 calendar days after receipt of a charter school  
323 application, a sponsor shall report to the Department of  
324 Education the name of the applicant entity, the proposed charter  
325 school location, and its projected FTE.

326 2. In order to ensure fiscal responsibility, an  
327 application for a charter school shall include a full accounting  
328 of expected assets, a projection of expected sources and amounts  
329 of income, including income derived from projected student  
330 enrollments and from community support, and an expense  
331 projection that includes full accounting of the costs of  
332 operation, including start-up costs.

333 3.a. A sponsor shall by a majority vote approve or deny an  
334 application no later than 90 calendar days after the application  
335 is received, unless the sponsor and the applicant mutually agree

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

336 in writing to temporarily postpone the vote to a specific date,  
337 at which time the sponsor shall by a majority vote approve or  
338 deny the application. If the sponsor fails to act on the  
339 application, an applicant may appeal to the State Board of  
340 Education as provided in paragraph (c). If an application is  
341 denied, the sponsor shall, within 10 calendar days after such  
342 denial, articulate in writing the specific reasons, based upon  
343 good cause, supporting its denial of the application and shall  
344 provide the letter of denial and supporting documentation to the  
345 applicant and to the Department of Education.

346 b. An application submitted by a high-performing charter  
347 school identified pursuant to s. 1002.331 or a high-performing  
348 charter school system identified pursuant to s. 1002.332 may be  
349 denied by the sponsor only if the sponsor demonstrates by clear  
350 and convincing evidence that:

351 (I) The application of a high-performing charter school  
352 does not materially comply with the requirements in paragraph  
353 (a) or, for a high-performing charter school system, the  
354 application does not materially comply with s. 1002.332(2)(b);

355 (II) The charter school proposed in the application does  
356 not materially comply with the requirements in paragraphs  
357 (9)(a)-(f);

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

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

361 (IV) The applicant has made a material misrepresentation  
362 or false statement or concealed an essential or material fact  
363 during the application process; or

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

367  
368 Material noncompliance is a failure to follow requirements or a  
369 violation of prohibitions applicable to charter school  
370 applications, which failure is quantitatively or qualitatively  
371 significant either individually or when aggregated with other  
372 noncompliance. An applicant is considered to be replicating a  
373 high-performing charter school if the proposed school is  
374 substantially similar to at least one of the applicant's high-  
375 performing charter schools and the organization or individuals  
376 involved in the establishment and operation of the proposed  
377 school are significantly involved in the operation of replicated  
378 schools.

379 c. If the sponsor denies an application submitted by a  
380 high-performing charter school or a high-performing charter  
381 school system, the sponsor must, within 10 calendar days after  
382 such denial, state in writing the specific reasons, based upon  
383 the criteria in sub-subparagraph b., supporting its denial of  
384 the application and must provide the letter of denial and  
385 supporting documentation to the applicant and to the Department

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

386 of Education. The applicant may appeal the sponsor's denial of  
387 the application in accordance with paragraph (c).

388 4. For budget projection purposes, the sponsor shall  
389 report to the Department of Education the approval or denial of  
390 an application within 10 calendar days after such approval or  
391 denial. In the event of approval, the report to the Department  
392 of Education shall include the final projected FTE for the  
393 approved charter school.

394 ~~5. Upon approval of an application, the initial startup~~  
395 ~~shall commence with the beginning of the public school calendar~~  
396 ~~for the district in which the charter is granted.~~ A charter  
397 school may defer the opening of the school's operations for up  
398 to 3 years to provide time for adequate facility planning. The  
399 charter school must provide written notice of such intent to the  
400 sponsor and the parents of enrolled students at least 30  
401 calendar days before the first day of school.

402 (d) The sponsor shall act upon the decision of the State  
403 Board of Education within 30 calendar days after it is received.  
404 The State Board of Education's decision is a final action  
405 subject to judicial review in the district court of appeal. A  
406 school district that fails to implement the decision affirmed by  
407 a district court of appeal shall reduce the administrative fees  
408 withheld pursuant to subsection (20) to 1 percent for all  
409 charter schools operating in the school district. Such school  
410 districts shall file a monthly report detailing the reduction in

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

411 the amount of administrative fees withheld. Upon execution of  
412 the charter, the sponsor may resume withholding the full amount  
413 of administrative fees but may not recover any fees that would  
414 have otherwise accrued during the period of noncompliance. Any  
415 charter school that had administrative fees withheld in  
416 violation of this paragraph may recover attorney fees and costs  
417 to enforce the requirements of this paragraph.

418 (7) CHARTER.—The terms and conditions for the operation of  
419 a charter school shall be set forth by the sponsor and the  
420 applicant in a written contractual agreement, called a charter.  
421 The sponsor and the governing board of the charter school shall  
422 use the standard charter contract pursuant to subsection (21),  
423 which shall incorporate the approved application and any addenda  
424 approved with the application. Any term or condition of a  
425 proposed charter contract that differs from the standard charter  
426 contract adopted by rule of the State Board of Education shall  
427 be presumed a limitation on charter school flexibility. The  
428 sponsor may not impose unreasonable rules or regulations that  
429 violate the intent of giving charter schools greater flexibility  
430 to meet educational goals. The charter shall be signed by the  
431 governing board of the charter school and the sponsor, following  
432 a public hearing to ensure community input.

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

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

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

437 2. The focus of the curriculum, the instructional methods  
438 to be used, any distinctive instructional techniques to be  
439 employed, and identification and acquisition of appropriate  
440 technologies needed to improve educational and administrative  
441 performance which include a means for promoting safe, ethical,  
442 and appropriate uses of technology which comply with legal and  
443 professional standards.

444 a. The charter shall ensure that reading is a primary  
445 focus of the curriculum and that resources are provided to  
446 identify and provide specialized instruction for students who  
447 are reading below grade level. The curriculum and instructional  
448 strategies for reading must be consistent with the Next  
449 Generation Sunshine State Standards and grounded in  
450 scientifically based reading research.

451 b. In order to provide students with access to diverse  
452 instructional delivery models, to facilitate the integration of  
453 technology within traditional classroom instruction, and to  
454 provide students with the skills they need to compete in the  
455 21st century economy, the Legislature encourages instructional  
456 methods for blended learning courses consisting of both  
457 traditional classroom and online instructional techniques.  
458 Charter schools may implement blended learning courses which  
459 combine traditional classroom instruction and virtual

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

460 instruction. Students in a blended learning course must be full-  
461 time students of the charter school pursuant to s.  
462 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
463 1012.55 who provide virtual instruction for blended learning  
464 courses may be employees of the charter school or may be under  
465 contract to provide instructional services to charter school  
466 students. At a minimum, such instructional personnel must hold  
467 an active state or school district adjunct certification under  
468 s. 1012.57 for the subject area of the blended learning course.  
469 The funding and performance accountability requirements for  
470 blended learning courses are the same as those for traditional  
471 courses.

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

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

478 b. How these baseline rates will be compared to rates of  
479 academic progress achieved by these same students while  
480 attending the charter school.

481 c. To the extent possible, how these rates of progress  
482 will be evaluated and compared with rates of progress of other  
483 closely comparable student populations.

484

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

485 A ~~The~~ district school board is required to provide academic  
486 student performance data to charter schools for each of their  
487 students coming from the district school system, as well as  
488 rates of academic progress of comparable student populations in  
489 the district school system.

490 4. The methods used to identify the educational strengths  
491 and needs of students and how well educational goals and  
492 performance standards are met by students attending the charter  
493 school. The methods shall provide a means for the charter school  
494 to ensure accountability to its constituents by analyzing  
495 student performance data and by evaluating the effectiveness and  
496 efficiency of its major educational programs. Students in  
497 charter schools shall, at a minimum, participate in the  
498 statewide assessment program created under s. 1008.22.

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

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

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

507 8. The ways by which the school will achieve a  
508 racial/ethnic balance reflective of the community it serves or

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

509 within the racial/ethnic range of other nearby public schools ~~in~~  
510 ~~the same school district.~~

511 9. The financial and administrative management of the  
512 school, including a reasonable demonstration of the professional  
513 experience or competence of those individuals or organizations  
514 applying to operate the charter school or those hired or  
515 retained to perform such professional services and the  
516 description of clearly delineated responsibilities and the  
517 policies and practices needed to effectively manage the charter  
518 school. A description of internal audit procedures and  
519 establishment of controls to ensure that financial resources are  
520 properly managed must be included. Both public sector and  
521 private sector professional experience shall be equally valid in  
522 such a consideration.

523 10. The asset and liability projections required in the  
524 application which are incorporated into the charter and shall be  
525 compared with information provided in the annual report of the  
526 charter school.

527 11. A description of procedures that identify various  
528 risks and provide for a comprehensive approach to reduce the  
529 impact of losses; plans to ensure the safety and security of  
530 students and staff; plans to identify, minimize, and protect  
531 others from violent or disruptive student behavior; and the  
532 manner in which the school will be insured, including whether or  
533 not the school will be required to have liability insurance,

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

534 and, if so, the terms and conditions thereof and the amounts of  
535 coverage.

536 12. The term of the charter which shall provide for  
537 cancellation of the charter if insufficient progress has been  
538 made in attaining the student achievement objectives of the  
539 charter and if it is not likely that such objectives can be  
540 achieved before expiration of the charter. The initial term of a  
541 charter shall be for 5 years, excluding 2 planning years. In  
542 order to facilitate access to long-term financial resources for  
543 charter school construction, charter schools that are operated  
544 by a municipality or other public entity as provided by law are  
545 eligible for up to a 15-year charter, subject to approval by the  
546 sponsor ~~district school board~~. A charter lab school is eligible  
547 for a charter for a term of up to 15 years. In addition, to  
548 facilitate access to long-term financial resources for charter  
549 school construction, charter schools that are operated by a  
550 private, not-for-profit, s. 501(c)(3) status corporation are  
551 eligible for up to a 15-year charter, subject to approval by the  
552 sponsor ~~district school board~~. Such long-term charters remain  
553 subject to annual review and may be terminated during the term  
554 of the charter, but only according to the provisions set forth  
555 in subsection (8).

556 13. The facilities to be used and their location. The  
557 sponsor may not require a charter school to have a certificate  
558 of occupancy or a temporary certificate of occupancy for such a

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

559 facility earlier than 15 calendar days before the first day of  
560 school.

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

564 15. The governance structure of the school, including the  
565 status of the charter school as a public or private employer as  
566 required in paragraph (12) (i).

567 16. A timetable for implementing the charter which  
568 addresses the implementation of each element thereof and the  
569 date by which the charter shall be awarded in order to meet this  
570 timetable.

571 17. In the case of an existing public school that is being  
572 converted to charter status, alternative arrangements for  
573 current students who choose not to attend the charter school and  
574 for current teachers who choose not to teach in the charter  
575 school after conversion in accordance with the existing  
576 collective bargaining agreement or district school board rule in  
577 the absence of a collective bargaining agreement. However,  
578 alternative arrangements shall not be required for current  
579 teachers who choose not to teach in a charter lab school, except  
580 as authorized by the employment policies of the state university  
581 which grants the charter to the lab school.

582 18. Full disclosure of the identity of all relatives  
583 employed by the charter school who are related to the charter

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

584 school owner, president, chairperson of the governing board of  
585 directors, superintendent, governing board member, principal,  
586 assistant principal, or any other person employed by the charter  
587 school who has equivalent decisionmaking authority. For the  
588 purpose of this subparagraph, the term "relative" means father,  
589 mother, son, daughter, brother, sister, uncle, aunt, first  
590 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
591 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
592 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
593 stepsister, half brother, or half sister.

594 19. Implementation of the activities authorized under s.  
595 1002.331 by the charter school when it satisfies the eligibility  
596 requirements for a high-performing charter school. A high-  
597 performing charter school shall notify its sponsor in writing by  
598 March 1 if it intends to increase enrollment or expand grade  
599 levels the following school year. The written notice shall  
600 specify the amount of the enrollment increase and the grade  
601 levels that will be added, as applicable.

602 (b) The sponsor has 30 days after approval of the  
603 application to provide an initial proposed charter contract to  
604 the charter school. The applicant and the sponsor have 40 days  
605 thereafter to negotiate and notice the charter contract for  
606 final approval by the sponsor unless both parties agree to an  
607 extension. The proposed charter contract shall be provided to  
608 the charter school at least 7 calendar days before the date of

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

609 the meeting at which the charter is scheduled to be voted upon  
610 by the sponsor. The Department of Education shall provide  
611 mediation services for any dispute regarding this section  
612 subsequent to the approval of a charter application and for any  
613 dispute relating to the approved charter, except a dispute  
614 regarding a charter school application denial. If either the  
615 charter school or the sponsor indicates in writing that the  
616 party does not desire to settle any dispute arising under this  
617 section through mediation procedures offered by the Department  
618 of Education, a charter school may immediately appeal any formal  
619 or informal decision by the sponsor to an administrative law  
620 judge appointed by the Division of Administrative Hearings. If  
621 the Commissioner of Education determines that the dispute cannot  
622 be settled through mediation, the dispute may also be appealed  
623 to an administrative law judge appointed by the Division of  
624 Administrative Hearings. The administrative law judge has final  
625 order authority to rule on issues of equitable treatment of the  
626 charter school as a public school, whether proposed provisions  
627 of the charter violate the intended flexibility granted charter  
628 schools by statute, or any other matter regarding this section,  
629 except a dispute regarding charter school application denial, a  
630 charter termination, or a charter nonrenewal. The administrative  
631 law judge shall award the prevailing party reasonable attorney  
632 fees and costs incurred during the mediation process,

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

633 administrative proceeding, and any appeals, to be paid by the  
634 party whom the administrative law judge rules against.

635 (d) A charter may be modified during its initial term or  
636 any renewal term upon the recommendation of the sponsor or the  
637 charter school's governing board and the approval of both  
638 parties to the agreement. Changes to curriculum that are  
639 consistent with state standards and are necessary to implement  
640 blended learning shall be deemed approved unless the sponsor and  
641 the Department of Education determines in writing that the  
642 curriculum is inconsistent with state standards. Modification  
643 during any term may include, but is not limited to,  
644 consolidation of multiple charters into a single charter if the  
645 charters are operated under the same governing board, regardless  
646 of the renewal cycle. A charter school that is not subject to a  
647 school improvement plan and that closes as part of a  
648 consolidation shall be reported by the sponsor ~~school district~~  
649 as a consolidation.

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

651 (c) A charter may be terminated immediately if the sponsor  
652 sets forth in writing the particular facts and circumstances  
653 demonstrating ~~indicating~~ that an immediate and serious danger to  
654 the health, safety, or welfare of the charter school's students  
655 exists, that the immediate and serious danger is likely to  
656 continue, and that an immediate termination of the charter is  
657 necessary. The sponsor's determination is subject to the

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

658 procedures set forth in paragraph (b), except that the hearing  
659 may take place after the charter has been terminated. The  
660 sponsor shall notify in writing the charter school's governing  
661 board, the charter school principal, and the department of the  
662 facts and circumstances supporting the immediate termination if  
663 ~~a charter is terminated immediately~~. The sponsor shall clearly  
664 identify the specific issues that resulted in the immediate  
665 termination and provide evidence of prior notification of issues  
666 resulting in the immediate termination, if applicable when  
667 ~~appropriate~~. Upon receiving written notice from the sponsor, the  
668 charter school's governing board has 10 calendar days to request  
669 a hearing. A requested hearing must be expedited and the final  
670 order must be issued within 60 days after the date of request.  
671 The administrative law judge shall award reasonable attorney  
672 fees and costs to the prevailing party of any injunction,  
673 administrative proceeding, or appeal. The sponsor may seek an  
674 injunction in the circuit court in which the charter school is  
675 located to enjoin continued operation of the charter school if  
676 ~~shall assume operation of the charter school throughout the~~  
677 ~~pendency of the hearing under paragraph (b) unless the continued~~  
678 ~~operation of the charter school~~ would materially threaten the  
679 health, safety, or welfare of the students. ~~Failure by the~~  
680 ~~sponsor to assume and continue operation of the charter school~~  
681 ~~shall result in the awarding of reasonable costs and attorney's~~

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

682 ~~fees to the charter school if the charter school prevails on~~  
683 ~~appeal.~~

684 (d) When a charter is not renewed or is terminated, the  
685 school shall be dissolved under the provisions of law under  
686 which the school was organized, and any unencumbered public  
687 funds, except for capital outlay funds and federal charter  
688 school program grant funds, from the charter school shall revert  
689 to the sponsor. Capital outlay funds provided pursuant to s.  
690 1013.62 and federal charter school program grant funds that are  
691 unencumbered shall revert to the department to be redistributed  
692 among eligible charter schools. In the event a charter school is  
693 dissolved or is otherwise terminated, all sponsor district  
694 ~~school board~~ property and improvements, furnishings, and  
695 equipment purchased with public funds shall automatically revert  
696 to full ownership by the sponsor district school board, subject  
697 to complete satisfaction of any lawful liens or encumbrances.  
698 Any unencumbered public funds from the charter school, ~~district~~  
699 ~~school board~~ property and improvements, furnishings, and  
700 equipment purchased with public funds, or financial or other  
701 records pertaining to the charter school, in the possession of  
702 any person, entity, or holding company, other than the charter  
703 school, shall be held in trust upon the sponsor's district  
704 ~~school board's~~ request, until any appeal status is resolved.

705 (e) If a charter is not renewed or is terminated, the  
706 charter school is responsible for all debts of the charter

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

707 school. The sponsor ~~district~~ may not assume the debt from any  
708 contract made between the governing body of the school and a  
709 third party, except for a debt that is previously detailed and  
710 agreed upon in writing by both the sponsor ~~district~~ and the  
711 governing body of the school and that may not reasonably be  
712 assumed to have been satisfied by the sponsor ~~district~~.

713 (9) CHARTER SCHOOL REQUIREMENTS.—

714 (g)1. In order to provide financial information that is  
715 comparable to that reported for other public schools, charter  
716 schools are to maintain all financial records that constitute  
717 their accounting system:

718 a. In accordance with the accounts and codes prescribed in  
719 the most recent issuance of the publication titled "Financial  
720 and Program Cost Accounting and Reporting for Florida Schools";  
721 or

722 b. At the discretion of the charter school's governing  
723 board, a charter school may elect to follow generally accepted  
724 accounting standards for not-for-profit organizations, but must  
725 reformat this information for reporting according to this  
726 paragraph.

727 2. Charter schools shall provide annual financial report  
728 and program cost report information in the state-required  
729 formats for inclusion in sponsor ~~district~~ reporting in  
730 compliance with s. 1011.60(1). Charter schools that are operated  
731 by a municipality or are a component unit of a parent nonprofit

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

732 organization may use the accounting system of the municipality  
733 or the parent but must reformat this information for reporting  
734 according to this paragraph.

735 3. A charter school shall, upon approval of the charter  
736 contract, provide the sponsor with a concise, uniform, monthly  
737 financial statement summary sheet that contains a balance sheet  
738 and a statement of revenue, expenditures, and changes in fund  
739 balance. The balance sheet and the statement of revenue,  
740 expenditures, and changes in fund balance shall be in the  
741 governmental funds format prescribed by the Governmental  
742 Accounting Standards Board. A high-performing charter school  
743 pursuant to s. 1002.331 may provide a quarterly financial  
744 statement in the same format and requirements as the uniform  
745 monthly financial statement summary sheet. The sponsor shall  
746 review each monthly or quarterly financial statement to identify  
747 the existence of any conditions identified in s. 1002.345(1)(a).

748 4. A charter school shall maintain and provide financial  
749 information as required in this paragraph. The financial  
750 statement required in subparagraph 3. must be in a form  
751 prescribed by the Department of Education.

752 (n)1. The director and a representative of the governing  
753 board of a charter school that has earned a grade of "D" or "F"  
754 pursuant to s. 1008.34 shall appear before the sponsor to  
755 present information concerning each contract component having  
756 noted deficiencies. The director and a representative of the

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

757 governing board shall submit to the sponsor for approval a  
758 school improvement plan to raise student performance. Upon  
759 approval by the sponsor, the charter school shall begin  
760 implementation of the school improvement plan. The department  
761 shall offer technical assistance and training to the charter  
762 school and its governing board and establish guidelines for  
763 developing, submitting, and approving such plans.

764 2.a. If a charter school earns three consecutive grades  
765 below a "C," the charter school governing board shall choose one  
766 of the following corrective actions:

767 (I) Contract for educational services to be provided  
768 directly to students, instructional personnel, and school  
769 administrators, as prescribed in state board rule;

770 (II) Contract with an outside entity that has a  
771 demonstrated record of effectiveness to operate the school;

772 (III) Reorganize the school under a new director or  
773 principal who is authorized to hire new staff; or

774 (IV) Voluntarily close the charter school.

775 b. The charter school must implement the corrective action  
776 in the school year following receipt of a third consecutive  
777 grade below a "C."

778 c. The sponsor may annually waive a corrective action if  
779 it determines that the charter school is likely to improve a  
780 letter grade if additional time is provided to implement the  
781 intervention and support strategies prescribed by the school

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

782 improvement plan. Notwithstanding this sub-subparagraph, a  
783 charter school that earns a second consecutive grade of "F" is  
784 subject to subparagraph 3.

785 d. A charter school is no longer required to implement a  
786 corrective action if it improves to a "C" or higher. However,  
787 the charter school must continue to implement strategies  
788 identified in the school improvement plan. The sponsor must  
789 annually review implementation of the school improvement plan to  
790 monitor the school's continued improvement pursuant to  
791 subparagraph 4.

792 e. A charter school implementing a corrective action that  
793 does not improve to a "C" or higher after 2 full school years of  
794 implementing the corrective action must select a different  
795 corrective action. Implementation of the new corrective action  
796 must begin in the school year following the implementation  
797 period of the existing corrective action, unless the sponsor  
798 determines that the charter school is likely to improve to a "C"  
799 or higher if additional time is provided to implement the  
800 existing corrective action. Notwithstanding this sub-  
801 subparagraph, a charter school that earns a second consecutive  
802 grade of "F" while implementing a corrective action is subject  
803 to subparagraph 3.

804 3. A charter school's charter contract is automatically  
805 terminated if the school earns two consecutive grades of "F"  
806 after all school grade appeals are final unless:

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

807 a. The charter school is established to turn around the  
808 performance of a district public school pursuant to s.  
809 1008.33(4)(b)2. Such charter schools shall be governed by s.  
810 1008.33;

811 b. The charter school serves a student population the  
812 majority of which resides in a school zone served by a district  
813 public school subject to s. 1008.33(4) and the charter school  
814 earns at least a grade of "D" in its third year of operation.  
815 The exception provided under this sub-subparagraph does not  
816 apply to a charter school in its fourth year of operation and  
817 thereafter; or

818 c. The state board grants the charter school a waiver of  
819 termination. The charter school must request the waiver within  
820 15 days after the department's official release of school  
821 grades. The state board may waive termination if the charter  
822 school demonstrates that the Learning Gains of its students on  
823 statewide assessments are comparable to or better than the  
824 Learning Gains of similarly situated students enrolled in nearby  
825 ~~district~~ public schools. The waiver is valid for 1 year and may  
826 only be granted once. Charter schools that have been in  
827 operation for more than 5 years are not eligible for a waiver  
828 under this sub-subparagraph.

829  
830 The sponsor shall notify the charter school's governing board,  
831 the charter school principal, and the department in writing when

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

832 a charter contract is terminated under this subparagraph. A  
833 charter terminated under this subparagraph must follow the  
834 procedures for dissolution and reversion of public funds  
835 pursuant to paragraphs (8)(d)-(f) and (9)(o).

836 4. The director and a representative of the governing  
837 board of a graded charter school that has implemented a school  
838 improvement plan under this paragraph shall appear before the  
839 sponsor at least once a year to present information regarding  
840 the progress of intervention and support strategies implemented  
841 by the school pursuant to the school improvement plan and  
842 corrective actions, if applicable. The sponsor shall communicate  
843 at the meeting, and in writing to the director, the services  
844 provided to the school to help the school address its  
845 deficiencies.

846 5. Notwithstanding any provision of this paragraph except  
847 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter  
848 at any time pursuant to subsection (8).

849 (10) ELIGIBLE STUDENTS.—

850 (d) A charter school may give enrollment preference to the  
851 following student populations:

852 1. Students who are siblings of a student enrolled in the  
853 charter school.

854 2. Students who are the children of a member of the  
855 governing board of the charter school.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

856 3. Students who are the children of an employee of the  
857 charter school.

858 4. Students who are the children of:

859 a. An employee of the business partner of a charter  
860 school-in-the-workplace established under paragraph (15)(b) or a  
861 resident of the municipality in which such charter school is  
862 located; or

863 b. A resident or employee of a municipality that operates  
864 a charter school-in-a-municipality pursuant to paragraph (15)(c)  
865 or allows a charter school to use a school facility or portion  
866 of land provided by the municipality for the operation of the  
867 charter school.

868 5. Students who have successfully completed, during the  
869 previous year, a voluntary prekindergarten education program  
870 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the  
871 charter school's governing board, or a voluntary prekindergarten  
872 provider that has a written agreement with the governing board  
873 during the previous year.

874 6. Students who are the children of an active duty member  
875 of any branch of the United States Armed Forces.

876 7. Students who attended or are assigned to failing  
877 schools pursuant to s. 1002.38(2).

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

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

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

881           2. Students considered at risk of dropping out of school  
882 or academic failure. Such students shall include exceptional  
883 education students.

884           3. Students enrolling in a charter school-in-the-workplace  
885 or charter school-in-a-municipality established pursuant to  
886 subsection (15).

887           4. Students residing within a reasonable distance of the  
888 charter school, as described in paragraph (20)(c). Such students  
889 shall be subject to a random lottery and to the racial/ethnic  
890 balance provisions described in subparagraph (7)(a)8. or any  
891 federal provisions that require a school to achieve a  
892 racial/ethnic balance reflective of the community it serves or  
893 within the racial/ethnic range of other nearby public schools ~~in~~  
894 ~~the same school district.~~

895           5. Students who meet reasonable academic, artistic, or  
896 other eligibility standards established by the charter school  
897 and included in the charter school application and charter or,  
898 in the case of existing charter schools, standards that are  
899 consistent with the school's mission and purpose. Such standards  
900 shall be in accordance with current state law and practice in  
901 public schools and may not discriminate against otherwise  
902 qualified individuals.

903           6. Students articulating from one charter school to  
904 another pursuant to an articulation agreement between the  
905 charter schools that has been approved by the sponsor.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

906           7. Students living in a development in which a developer,  
907 including any affiliated business entity or charitable  
908 foundation, contributes to the formation, acquisition,  
909 construction, or operation of one or more charter schools or  
910 charter ~~provides the school facilities facility~~ and related  
911 property in an amount equal to or having a total ~~an~~ appraised  
912 value of at least \$5 million to be used as a charter schools  
913 ~~school~~ to mitigate the educational impact created by the  
914 development of new residential dwelling units. Students living  
915 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
916 percent of the student stations in the charter schools ~~school~~.  
917 The students who are eligible for enrollment are subject to a  
918 random lottery, the racial/ethnic balance provisions, or any  
919 federal provisions, as described in subparagraph 4. The  
920 remainder of the student stations must ~~shall~~ be filled in  
921 accordance with subparagraph 4.

922           (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
923 INDEMNIFICATION OF THE STATE AND SPONSOR SCHOOL ~~SCHOOL-DISTRICT~~; CREDIT  
924 OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into  
925 to borrow or otherwise secure funds for a charter school  
926 authorized in this section from a source other than the state or  
927 a sponsor ~~school-district~~ shall indemnify the state and the  
928 sponsor ~~school-district~~ from any and all liability, including,  
929 but not limited to, financial responsibility for the payment of  
930 the principal or interest. Any loans, bonds, or other financial

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

931 agreements are not obligations of the state or the sponsor  
932 ~~school district~~ but are obligations of the charter school  
933 authority and are payable solely from the sources of funds  
934 pledged by such agreement. The credit or taxing power of the  
935 state or the sponsor ~~school district~~ shall not be pledged and no  
936 debts shall be payable out of any moneys except those of the  
937 legal entity in possession of a valid charter approved by a  
938 sponsor ~~district school board~~ pursuant to this section.

939 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
940 A-MUNICIPALITY.—

941 (c) A charter school-in-a-municipality designation may be  
942 granted to a municipality that possesses a charter; enrolls  
943 students based upon a random lottery that involves all of the  
944 children of the residents of that municipality who are seeking  
945 enrollment, as provided for in subsection (10); and enrolls  
946 students according to the racial/ethnic balance provisions  
947 described in subparagraph (7)(a)8. When a municipality has  
948 submitted charter applications for the establishment of a  
949 charter school feeder pattern, consisting of elementary, middle,  
950 and senior high schools, and each individual charter application  
951 is approved by the sponsor ~~district school board~~, such schools  
952 shall then be designated as one charter school for all purposes  
953 listed pursuant to this section. Any portion of the land and  
954 facility used for a public charter school shall be exempt from

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

955 ad valorem taxes, as provided for in s. 1013.54, for the  
956 duration of its use as a public school.

957 (17) FUNDING.—Students enrolled in a charter school,  
958 regardless of the sponsorship, shall be funded as if they are in  
959 a basic program or a special program, the same as students  
960 enrolled in other public schools in a ~~the~~ school district.  
961 Funding for a charter lab school shall be as provided in s.  
962 1002.32.

963 (a) Each charter school shall report its student  
964 enrollment to the sponsor as required in s. 1011.62, and in  
965 accordance with the definitions in s. 1011.61. The sponsor shall  
966 include each charter school's enrollment in the sponsor's  
967 ~~district's~~ report of student enrollment. All charter schools  
968 submitting student record information required by the Department  
969 of Education shall comply with the Department of Education's  
970 guidelines for electronic data formats for such data, and all  
971 sponsors ~~districts~~ shall accept electronic data that complies  
972 with the Department of Education's electronic format.

973 (b)1. The basis for the agreement for funding students  
974 enrolled in a charter school shall be the sum of the school  
975 district's operating funds from the Florida Education Finance  
976 Program as provided in s. 1011.62 and the General Appropriations  
977 Act, including gross state and local funds, discretionary  
978 lottery funds, and funds from the school district's current  
979 operating discretionary millage levy; divided by total funded

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

980 weighted full-time equivalent students in the school district;  
981 and multiplied by the weighted full-time equivalent students for  
982 the charter school. Charter schools whose students or programs  
983 meet the eligibility criteria in law are entitled to their  
984 proportionate share of categorical program funds included in the  
985 total funds available in the Florida Education Finance Program  
986 by the Legislature, including transportation, the research-based  
987 reading allocation, and the Florida digital classrooms  
988 allocation. Total funding for each charter school shall be  
989 recalculated during the year to reflect the revised calculations  
990 under the Florida Education Finance Program by the state and the  
991 actual weighted full-time equivalent students reported by the  
992 charter school during the full-time equivalent student survey  
993 periods designated by the Commissioner of Education. For charter  
994 schools operated by a not-for-profit or municipal entity, any  
995 unrestricted current and capital assets identified in the  
996 charter school's annual financial audit may be used for other  
997 charter schools operated by the not-for-profit or municipal  
998 entity within the school district. Unrestricted current assets  
999 shall be used in accordance with s. 1011.62, and any  
1000 unrestricted capital assets shall be used in accordance with s.  
1001 1013.62(2).

1002 2.a. Students enrolled in a charter school sponsored by a  
1003 state university or Florida College System institution pursuant  
1004 to paragraph (5)(a) shall be funded as if they are in a basic

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1005 program or a special program in the school district. The basis  
1006 for funding these students is the sum of the total operating  
1007 funds from the Florida Education Finance Program for the school  
1008 district in which the school is located as provided in s.  
1009 1011.62 and the General Appropriations Act, including gross  
1010 state and local funds, discretionary lottery funds, and funds  
1011 from each school district's current operating discretionary  
1012 millage levy; divided by total funded weighted full-time  
1013 equivalent students in the district; and multiplied by the full-  
1014 time equivalent membership of the charter school. The Department  
1015 of Education shall develop a tool that each state university or  
1016 Florida College System institution sponsoring a charter school  
1017 shall use for purposes of calculating the funding amount for  
1018 each eligible charter school student. The total amount obtained  
1019 from the calculation must be appropriated from state funds in  
1020 the General Appropriations Act to the charter school.

1021 b. Capital outlay funding for a charter school sponsored  
1022 by a state university or Florida College System institution  
1023 pursuant to paragraph (5) (a) is determined pursuant to s.  
1024 1013.62 and the General Appropriations Act.

1025 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
1026 schools shall receive all federal funding for which the school  
1027 is otherwise eligible, including Title I funding, not later than  
1028 5 months after the charter school first opens and within 5  
1029 months after any subsequent expansion of enrollment. Unless

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1030 otherwise mutually agreed to by the charter school and its  
1031 sponsor, and consistent with state and federal rules and  
1032 regulations governing the use and disbursement of federal funds,  
1033 the sponsor shall reimburse the charter school on a monthly  
1034 basis for all invoices submitted by the charter school for  
1035 federal funds available to the sponsor for the benefit of the  
1036 charter school, the charter school's students, and the charter  
1037 school's students as public school students in the school  
1038 district. Such federal funds include, but are not limited to,  
1039 Title I, Title II, and Individuals with Disabilities Education  
1040 Act (IDEA) funds. To receive timely reimbursement for an  
1041 invoice, the charter school must submit the invoice to the  
1042 sponsor at least 30 days before the monthly date of  
1043 reimbursement set by the sponsor. In order to be reimbursed, any  
1044 expenditures made by the charter school must comply with all  
1045 applicable state rules and federal regulations, including, but  
1046 not limited to, the applicable federal Office of Management and  
1047 Budget Circulars; the federal Education Department General  
1048 Administrative Regulations; and program-specific statutes,  
1049 rules, and regulations. Such funds may not be made available to  
1050 the charter school until a plan is submitted to the sponsor for  
1051 approval of the use of the funds in accordance with applicable  
1052 federal requirements. The sponsor has 30 days to review and  
1053 approve any plan submitted pursuant to this paragraph.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1054 (d) Charter schools shall be included by the Department of  
1055 Education and the district school board in requests for federal  
1056 stimulus funds in the same manner as district school board-  
1057 operated public schools, including Title I and IDEA funds and  
1058 shall be entitled to receive such funds. Charter schools are  
1059 eligible to participate in federal competitive grants that are  
1060 available as part of the federal stimulus funds.

1061 (e) Sponsors ~~District school boards~~ shall make timely and  
1062 efficient payment and reimbursement to charter schools,  
1063 including processing paperwork required to access special state  
1064 and federal funding for which they may be eligible. Payments of  
1065 funds under paragraph (b) shall be made monthly or twice a  
1066 month, beginning with the start of the sponsor's ~~district school~~  
1067 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
1068 twenty-fourth, as applicable, of the total state and local funds  
1069 described in paragraph (b) and adjusted as set forth therein.  
1070 For the first 2 years of a charter school's operation, if a  
1071 minimum of 75 percent of the projected enrollment is entered  
1072 into the sponsor's student information system by the first day  
1073 of the current month, the sponsor ~~district school board~~ shall  
1074 distribute funds to the school for the months of July through  
1075 October based on the projected full-time equivalent student  
1076 membership of the charter school as submitted in the approved  
1077 application. If less than 75 percent of the projected enrollment  
1078 is entered into the sponsor's student information system by the

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1079 first day of the current month, the sponsor shall base payments  
1080 on the actual number of student enrollment entered into the  
1081 sponsor's student information system. Thereafter, the results of  
1082 full-time equivalent student membership surveys shall be used in  
1083 adjusting the amount of funds distributed monthly to the charter  
1084 school for the remainder of the fiscal year. The payments shall  
1085 be issued no later than 10 working days after the sponsor  
1086 ~~district school board~~ receives a distribution of state or  
1087 federal funds or the date the payment is due pursuant to this  
1088 subsection. If a warrant for payment is not issued within 10  
1089 working days after receipt of funding by the sponsor ~~district~~  
1090 ~~school board~~, the sponsor ~~school district~~ shall pay to the  
1091 charter school, in addition to the amount of the scheduled  
1092 disbursement, interest at a rate of 1 percent per month  
1093 calculated on a daily basis on the unpaid balance from the  
1094 expiration of the 10 working days until such time as the warrant  
1095 is issued. The district school board may not delay payment to a  
1096 charter school of any portion of the funds provided in paragraph  
1097 (b) based on the timing of receipt of local funds by the  
1098 district school board.

1099 (f) Funding for a virtual charter school shall be as  
1100 provided in s. 1002.45(7).

1101 (g) To be eligible for public education capital outlay  
1102 (PECO) funds, a charter school must be located in the State of  
1103 Florida.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1104 (h) A charter school that implements a schoolwide standard  
1105 student attire policy pursuant to s. 1011.78 is eligible to  
1106 receive incentive payments.

1107 (18) FACILITIES.—

1108 (e) If a district school board facility or property is  
1109 available because it is surplus, marked for disposal, or  
1110 otherwise unused, it shall be provided for a charter school's  
1111 use on the same basis as it is made available to other public  
1112 schools in the district. A charter school receiving property  
1113 from the sponsor ~~school district~~ may not sell or dispose of such  
1114 property without written permission of the sponsor ~~school~~  
1115 ~~district~~. Similarly, for an existing public school converting to  
1116 charter status, no rental or leasing fee for the existing  
1117 facility or for the property normally inventoried to the  
1118 conversion school may be charged by the district school board to  
1119 the parents and teachers organizing the charter school. The  
1120 charter school shall agree to reasonable maintenance provisions  
1121 in order to maintain the facility in a manner similar to  
1122 district school board standards. The Public Education Capital  
1123 Outlay maintenance funds or any other maintenance funds  
1124 generated by the facility operated as a conversion school shall  
1125 remain with the conversion school.

1126 (20) SERVICES.—

1127 (a)1. A sponsor shall provide certain administrative and  
1128 educational services to charter schools. These services shall

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1129 include contract management services; full-time equivalent and  
1130 data reporting services; exceptional student education  
1131 administration services; services related to eligibility and  
1132 reporting duties required to ensure that school lunch services  
1133 under the National School Lunch Program, consistent with the  
1134 needs of the charter school, are provided by the sponsor ~~school~~  
1135 ~~district~~ at the request of the charter school, that any funds  
1136 due to the charter school under the National School Lunch  
1137 Program be paid to the charter school as soon as the charter  
1138 school begins serving food under the National School Lunch  
1139 Program, and that the charter school is paid at the same time  
1140 and in the same manner under the National School Lunch Program  
1141 as other public schools serviced by the sponsor or the school  
1142 district; test administration services, including payment of the  
1143 costs of state-required or district-required student  
1144 assessments; processing of teacher certificate data services;  
1145 and information services, including equal access to the  
1146 sponsor's student information systems that are used by public  
1147 schools in the district in which the charter school is located  
1148 or by schools in the sponsor's portfolio of charter schools if  
1149 the sponsor is not a school district. Student performance data  
1150 for each student in a charter school, including, but not limited  
1151 to, FCAT scores, standardized test scores, previous public  
1152 school student report cards, and student performance measures,  
1153 shall be provided by the sponsor to a charter school in the same

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1154 manner provided to other public schools in the district or by  
1155 schools in the sponsor's portfolio of charter schools if the  
1156 sponsor is not a school district.

1157 2. A sponsor may withhold an administrative fee for the  
1158 provision of such services which shall be a percentage of the  
1159 available funds defined in paragraph (17)(b) calculated based on  
1160 weighted full-time equivalent students. If the charter school  
1161 serves 75 percent or more exceptional education students as  
1162 defined in s. 1003.01(3), the percentage shall be calculated  
1163 based on unweighted full-time equivalent students. The  
1164 administrative fee shall be calculated as follows:

1165 a. Up to 5 percent for:

1166 (I) Enrollment of up to and including 250 students in a  
1167 charter school as defined in this section.

1168 (II) Enrollment of up to and including 500 students within  
1169 a charter school system which meets all of the following:

1170 (A) Includes conversion charter schools and nonconversion  
1171 charter schools.

1172 (B) Has all of its schools located in the same county.

1173 (C) Has a total enrollment exceeding the total enrollment  
1174 of at least one school district in the state.

1175 (D) Has the same governing board for all of its schools.

1176 (E) Does not contract with a for-profit service provider  
1177 for management of school operations.

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

1178 (III) Enrollment of up to and including 250 students in a  
1179 virtual charter school.

1180 b. Up to 2 percent for enrollment of up to and including  
1181 250 students in a high-performing charter school as defined in  
1182 s. 1002.331.

1183 c. Up to 2 percent for enrollment of up to and including  
1184 250 students in an exceptional student education center that  
1185 meets the requirements of s. 1008.3415(3).

1186 3. A sponsor may not charge charter schools any additional  
1187 fees or surcharges for administrative and educational services  
1188 in addition to the maximum percentage of administrative fees  
1189 withheld pursuant to this paragraph.

1190 4. A sponsor shall provide to the department by September  
1191 15 of each year the total amount of funding withheld from  
1192 charter schools pursuant to this subsection for the prior fiscal  
1193 year. The department must include the information in the report  
1194 required under sub-sub-subparagraph (5) (b)1.k.(III).

1195 (b) If goods and services are made available to the  
1196 charter school through the contract with the sponsor school  
1197 ~~district~~, they shall be provided to the charter school at a rate  
1198 no greater than the sponsor's district's actual cost unless  
1199 mutually agreed upon by the charter school and the sponsor in a  
1200 contract negotiated separately from the charter. When mediation  
1201 has failed to resolve disputes over contracted services or  
1202 contractual matters not included in the charter, an appeal may

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1203 be made to an administrative law judge appointed by the Division  
1204 of Administrative Hearings. The administrative law judge has  
1205 final order authority to rule on the dispute. The administrative  
1206 law judge shall award the prevailing party reasonable attorney  
1207 fees and costs incurred during the mediation process,  
1208 administrative proceeding, and any appeals, to be paid by the  
1209 party whom the administrative law judge rules against. To  
1210 maximize the use of state funds, sponsors ~~school districts~~ shall  
1211 allow charter schools to participate in the sponsor's bulk  
1212 purchasing program if applicable.

1213 (c) Transportation of charter school students shall be  
1214 provided by the charter school consistent with the requirements  
1215 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1216 body of the charter school may provide transportation through an  
1217 agreement or contract with the sponsor ~~district school board~~, a  
1218 private provider, or parents. The charter school and the sponsor  
1219 shall cooperate in making arrangements that ensure that  
1220 transportation is not a barrier to equal access for all students  
1221 residing within a reasonable distance of the charter school as  
1222 determined in its charter.

1223 (d) Each charter school shall annually complete and submit  
1224 a survey, provided in a format specified by the Department of  
1225 Education, to rate the timeliness and quality of services  
1226 provided by the sponsor ~~district~~ in accordance with this  
1227 section. The department shall compile the results, by sponsor

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1228 ~~district~~, and include the results in the report required under  
1229 sub-sub-subparagraph (5) (b)1.k.(III).

1230 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1231 (a) The Department of Education shall provide information  
1232 to the public, directly and through sponsors, on how to form and  
1233 operate a charter school and how to enroll in a charter school  
1234 once it is created. This information shall include the standard  
1235 application form, standard charter contract, standard evaluation  
1236 instrument, and standard charter renewal contract, which shall  
1237 include the information specified in subsection (7) and shall be  
1238 developed by consulting and negotiating with both sponsors  
1239 ~~school districts~~ and charter schools before implementation. The  
1240 charter and charter renewal contracts shall be used by charter  
1241 school sponsors.

1242 (b)1. The Department of Education shall report to each  
1243 charter school receiving a school grade pursuant to s. 1008.34  
1244 or a school improvement rating pursuant to s. 1008.341 the  
1245 school's student assessment data.

1246 2. The charter school shall report the information in  
1247 subparagraph 1. to each parent of a student at the charter  
1248 school, the parent of a child on a waiting list for the charter  
1249 school, the sponsor ~~district in which the charter school is~~  
1250 ~~located~~, and the governing board of the charter school. This  
1251 paragraph does not abrogate the provisions of s. 1002.22,

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1252 relating to student records, or the requirements of 20 U.S.C. s.  
1253 1232g, the Family Educational Rights and Privacy Act.

1254 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
1255 SCHOOL SYSTEMS.—

1256 (a) A charter school system's governing board shall be  
1257 designated a local educational agency for the purpose of  
1258 receiving federal funds, the same as though the charter school  
1259 system were a school district, if the governing board of the  
1260 charter school system has adopted and filed a resolution with  
1261 its sponsor ~~sponsoring district school board~~ and the Department  
1262 of Education in which the governing board of the charter school  
1263 system accepts the full responsibility for all local education  
1264 agency requirements and the charter school system meets all of  
1265 the following:

- 1266 1. Has all schools located in the same county;
- 1267 2. Has a total enrollment exceeding the total enrollment  
1268 of at least one school district in the state; and
- 1269 3. Has the same governing board.

1270  
1271 Such designation does not apply to other provisions unless  
1272 specifically provided in law.

1273 (28) RULEMAKING.—The Department of Education, after  
1274 consultation with sponsors ~~school districts~~ and charter school  
1275 directors, shall recommend that the State Board of Education  
1276 adopt rules to implement specific subsections of this section.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1277 Such rules shall require minimum paperwork and shall not limit  
1278 charter school flexibility authorized by statute. The State  
1279 Board of Education shall adopt rules, pursuant to ss. 120.536(1)  
1280 and 120.54, to implement a standard charter application form,  
1281 standard application form for the replication of charter schools  
1282 in a high-performing charter school system, standard evaluation  
1283 instrument, and standard charter and charter renewal contracts  
1284 in accordance with this section.

1285 Section 5. Paragraph (a) of subsection (1), paragraph (a)  
1286 of subsection (2), and paragraph (b) of subsection (3) of  
1287 section 1002.331, Florida Statutes, are amended to read:

1288 1002.331 High-performing charter schools.—

1289 (1) A charter school is a high-performing charter school  
1290 if it:

1291 (a) 1. Received at least two school grades of "A" and no  
1292 school grade below "B," pursuant to s. 1008.34, during each of  
1293 the previous 3 school years or received at least two consecutive  
1294 school grades of "A" in the most recent 2 school years for the  
1295 years that the school received a grade; or

1296 2. Receives, during its first 3 years of operation,  
1297 funding through the National Fund of the Charter School Growth  
1298 Fund.

1299  
1300 For purposes of determining initial eligibility, the  
1301 requirements of paragraphs (b) and (c) only apply for the most

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1302 recent 2 fiscal years if the charter school earns two  
1303 consecutive grades of "A." A virtual charter school established  
1304 under s. 1002.33 is not eligible for designation as a high-  
1305 performing charter school.

1306 (2) A high-performing charter school is authorized to:

1307 (a) Increase its student enrollment once per school year  
1308 to more than the capacity identified in the charter, but student  
1309 enrollment may not exceed the capacity of the facility at the  
1310 time the enrollment increase will take effect. Facility capacity  
1311 for purposes of ~~grade-level~~ expansion shall include any  
1312 improvements to an existing facility or any new facility in  
1313 which ~~a majority of~~ the students of the high-performing charter  
1314 school will enroll.

1315

1316 A high-performing charter school shall notify its sponsor in  
1317 writing by March 1 if it intends to increase enrollment or  
1318 expand grade levels the following school year. The written  
1319 notice shall specify the amount of the enrollment increase and  
1320 the grade levels that will be added, as applicable. If a charter  
1321 school notifies the sponsor of its intent to expand, the sponsor  
1322 shall modify the charter within 90 days to include the new  
1323 enrollment maximum and may not make any other changes. The  
1324 sponsor may deny a request to increase the enrollment of a high-  
1325 performing charter school if the commissioner has declassified  
1326 the charter school as high-performing. If a high-performing

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1327 charter school requests to consolidate multiple charters, the  
1328 sponsor shall have 40 days after receipt of that request to  
1329 provide an initial draft charter to the charter school. The  
1330 sponsor and charter school shall have 50 days thereafter to  
1331 negotiate and notice the charter contract for final approval by  
1332 the sponsor.

1333 (3)

1334 (b) A high-performing charter school may submit not  
1335 establish more than two applications for a charter school to be  
1336 opened, at a time determined by the high-performing charter  
1337 school, schools within this the state under paragraph (a) in any  
1338 year. A subsequent application to establish a charter school  
1339 under paragraph (a) may not be submitted unless each charter  
1340 school applicant commences operations or an application is  
1341 otherwise withdrawn established in this manner achieves high-  
1342 performing charter school status. However, a high-performing  
1343 charter school may establish more than one charter school within  
1344 this the state under paragraph (a) in any year if it operates in  
1345 the area of a persistently low-performing school and serves  
1346 students from that school. This paragraph applies to any high-  
1347 performing charter school with an existing approved application.

1348 Section 6. Paragraph (c) of subsection (1), paragraphs  
1349 (a), (g), and (h) of subsection (6), paragraph (d) of subsection  
1350 (7), and paragraph (b) of subsection (10) of section 1002.333,

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1351 Florida Statutes, are amended, and paragraph (e) is added to  
1352 subsection (9) of that section, to read:

1353 1002.333 Persistently low-performing schools.—

1354 (1) DEFINITIONS.—As used in this section, the term:

1355 (c) "Persistently low-performing school" means a school  
1356 that has earned three grades lower than a "C," pursuant to s.  
1357 1008.34, in at least 3 of the previous 5 years that the school  
1358 received a grade and has not earned a grade of "B" or higher in  
1359 the most recent 2 school years, and a school that was closed  
1360 pursuant to s. 1008.33(4) within 2 years after the submission of  
1361 a notice of intent.

1362 (6) STATUTORY AUTHORITY.—

1363 (a) A school of hope or a nonprofit entity that operates  
1364 more than one school of hope through a performance-based  
1365 agreement with a school district may be designated as a local  
1366 education agency by the Department of Education, if requested,  
1367 for the purposes of receiving federal funds and, in doing so,  
1368 accepts the full responsibility for all local education agency  
1369 requirements and the schools for which it will perform local  
1370 education agency responsibilities.

1371 1. A nonprofit entity designated as a local education  
1372 agency may report its students to the Department of Education in  
1373 accordance with the definitions in s. 1011.61 and pursuant to  
1374 the department's procedures and timelines.

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

1375           2. Students enrolled in a school established by a hope  
1376 operator designated as a local educational agency are not  
1377 eligible students for purposes of calculating the district grade  
1378 pursuant to s. 1008.34(5).

1379           (g) Each school of hope that has not been designated as a  
1380 local education agency shall report its students to the school  
1381 district as required in s. 1011.62, and in accordance with the  
1382 definitions in s. 1011.61. The school district shall include  
1383 each charter school's enrollment in the district's report of  
1384 student enrollment. All charter schools submitting student  
1385 record information required by the department shall comply with  
1386 the department's guidelines for electronic data formats for such  
1387 data, and all districts shall accept electronic data that  
1388 complies with the department's electronic format.

1389           (h)1. A school of hope shall provide the school district  
1390 with a concise, uniform, quarterly financial statement summary  
1391 sheet that contains a balance sheet and a statement of revenue,  
1392 expenditures, and changes in fund balance. The balance sheet and  
1393 the statement of revenue, expenditures, and changes in fund  
1394 balance shall be in the governmental fund format prescribed by  
1395 the Governmental Accounting Standards Board. Additionally, a  
1396 school of hope shall comply with the annual audit requirement  
1397 for charter schools in s. 218.39.

1398           2. A school of hope is in compliance with subparagraph 1.  
1399 if it is operated by a nonprofit entity designated as a local

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1400 education agency and if the nonprofit entity submits to each  
1401 school district in which it operates a school of hope:

1402 a. A concise, uniform, quarterly financial statement  
1403 summary sheet that contains a balance sheet summarizing the  
1404 revenue, expenditures, and changes in fund balance for the  
1405 nonprofit entity and for its schools of hope within the school  
1406 district.

1407 b. An annual financial audit of the nonprofit entity that  
1408 includes all schools of hope it operates within this state and  
1409 that complies with s. 218.39 regarding audits of a school board.

1410 (7) FACILITIES.—

1411 (d) No later than January ~~October~~ 1, the department each  
1412 school district shall annually provide to school districts the  
1413 Department of Education a list of all underused, vacant, or  
1414 surplus facilities owned or operated by the school district as  
1415 reported in the Florida Inventory of School Houses. A school  
1416 district may provide evidence to the Department of Education  
1417 that the list contains errors or omissions within 30 days after  
1418 receipt of the list. By each April 1, the Department of  
1419 Education shall update and publish a final list of all  
1420 underused, vacant, or surplus facilities owned or operated by  
1421 each school district, based upon updated information provided by  
1422 each school district. A hope operator establishing a school of  
1423 hope may use an educational facility identified in this  
1424 paragraph at no cost or at a mutually agreeable cost not to

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1425 exceed \$600 per student. A hope operator using a facility  
1426 pursuant to this paragraph may not sell or dispose of such  
1427 facility without the written permission of the school district.  
1428 For purposes of this paragraph, the term "underused, vacant, or  
1429 surplus facility" means an entire facility or portion thereof  
1430 which is not fully used or is used irregularly or intermittently  
1431 by the school district for instructional or program use.

1432 (9) FUNDING.—

1433 (e) For a nonprofit entity designated as a local education  
1434 agency by the Department of Education pursuant to paragraph  
1435 (6) (a), any unrestricted current and capital assets identified  
1436 in the annual financial audit required by sub-subparagraph  
1437 (6) (h)2.b. may be used by any other school of hope operated by  
1438 the local education agency within the same district.  
1439 Unrestricted current assets shall be used in accordance with s.  
1440 1011.62, and any unrestricted capital assets shall be used in  
1441 accordance with s. 1013.62(2).

1442 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
1443 is created within the Department of Education.

1444 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
1445 funds allocated for the purpose of this subsection which are not  
1446 disbursed by June 30 of the fiscal year in which the funds are  
1447 allocated may be carried forward for up to 7 ~~5~~ years after the  
1448 effective date of the original appropriation.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1449 Section 7. Paragraph (d) of subsection (1) and paragraph  
1450 (a) of subsection (2) of section 1002.45, Florida Statutes, are  
1451 amended to read:

1452 1002.45 Virtual instruction programs.—

1453 (1) PROGRAM.—

1454 (d) A virtual charter school may provide full-time or  
1455 part-time virtual instruction for students in kindergarten  
1456 through grade 12 if the virtual charter school has a charter  
1457 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
1458 ~~instruction~~. A virtual charter school may:

1459 1. Contract with the Florida Virtual School.

1460 2. Contract with an approved provider under subsection  
1461 (2).

1462 3. Enter into an agreement with a school district to allow  
1463 the participation of the virtual charter school's students in  
1464 the school district's virtual instruction program. The agreement  
1465 must indicate a process for reporting of student enrollment and  
1466 the transfer of funds required by paragraph (7) (e).

1467 (2) PROVIDER QUALIFICATIONS.—

1468 (a) The department shall annually publish online a list of  
1469 providers approved to offer virtual instruction programs. To be  
1470 approved by the department, a provider must document that it:

1471 1. Is nonsectarian in its programs, admission policies,  
1472 employment practices, and operations;

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1473           2. Complies with the antidiscrimination provisions of s.  
1474 1000.05;

1475           3. Locates an administrative office or offices in this  
1476 state, requires its administrative staff to be state residents,  
1477 requires all instructional staff to be Florida-certified  
1478 teachers under chapter 1012 and conducts background screenings  
1479 for all employees or contracted personnel, as required by s.  
1480 1012.32, using state and national criminal history records;

1481           4. Provides to parents and students specific information  
1482 posted and accessible online that includes, but is not limited  
1483 to, the following teacher-parent and teacher-student contact  
1484 information for each course:

1485           a. How to contact the instructor via phone, e-mail, or  
1486 online messaging tools.

1487           b. How to contact technical support via phone, e-mail, or  
1488 online messaging tools.

1489           c. How to contact the administration office via phone, e-  
1490 mail, or online messaging tools.

1491           d. Any requirement for regular contact with the instructor  
1492 for the course and clear expectations for meeting the  
1493 requirement.

1494           e. The requirement that the instructor in each course  
1495 must, at a minimum, conduct one contact ~~via phone~~ with the  
1496 parent and the student each month;

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1497           5. Possesses prior, successful experience offering online  
1498 courses to elementary, middle, or high school students as  
1499 demonstrated by quantified student learning gains in each  
1500 subject area and grade level provided for consideration as an  
1501 instructional program option. However, for a provider without  
1502 sufficient prior, successful experience offering online courses,  
1503 the department may conditionally approve the provider to offer  
1504 courses measured pursuant to subparagraph (8)(a)2. Conditional  
1505 approval shall be valid for 1 school year only and, based on the  
1506 provider's experience in offering the courses, the department  
1507 shall determine whether to grant approval to offer a virtual  
1508 instruction program;

1509           6. Is accredited by a regional accrediting association as  
1510 defined by State Board of Education rule;

1511           7. Ensures instructional and curricular quality through a  
1512 detailed curriculum and student performance accountability plan  
1513 that addresses every subject and grade level it intends to  
1514 provide through contract with the school district, including:

1515           a. Courses and programs that meet the standards of the  
1516 International Association for K-12 Online Learning and the  
1517 Southern Regional Education Board.

1518           b. Instructional content and services that align with, and  
1519 measure student attainment of, student proficiency in the Next  
1520 Generation Sunshine State Standards.

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1521 c. Mechanisms that determine and ensure that a student has  
1522 satisfied requirements for grade level promotion and high school  
1523 graduation with a standard diploma, as appropriate;

1524 8. Publishes for the general public, in accordance with  
1525 disclosure requirements adopted in rule by the State Board of  
1526 Education, as part of its application as a provider and in all  
1527 contracts negotiated pursuant to this section:

1528 a. Information and data about the curriculum of each full-  
1529 time and part-time program.

1530 b. School policies and procedures.

1531 c. Certification status and physical location of all  
1532 administrative and instructional personnel.

1533 d. Hours and times of availability of instructional  
1534 personnel.

1535 e. Student-teacher ratios.

1536 f. Student completion and promotion rates.

1537 g. Student, educator, and school performance  
1538 accountability outcomes;

1539 9. If the provider is a Florida College System  
1540 institution, employs instructors who meet the certification  
1541 requirements for instructional staff under chapter 1012; and

1542 10. Performs an annual financial audit of its accounts and  
1543 records conducted by an independent certified public accountant  
1544 which is in accordance with rules adopted by the Auditor  
1545 General, is conducted in compliance with generally accepted

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1546 auditing standards, and includes a report on financial  
1547 statements presented in accordance with generally accepted  
1548 accounting principles.

1549 Section 8. Subsection (2) of section 1002.455, Florida  
1550 Statutes, is amended to read:

1551 1002.455 Student eligibility for K-12 virtual  
1552 instruction.—All students, including home education and private  
1553 school students, are eligible to participate in any of the  
1554 following virtual instruction options:

1555 (2) Part-time or full-time virtual charter school  
1556 instruction authorized under s. 1002.33 to students within the  
1557 school district or to students in other school districts  
1558 throughout the state pursuant to s. 1002.31.

1559 Section 9. Paragraph (a) of subsection (1) of section  
1560 1003.493, Florida Statutes, is amended to read:

1561 1003.493 Career and professional academies and career-  
1562 themed courses.—

1563 (1) (a) A "career and professional academy" is a research-  
1564 based program that integrates a rigorous academic curriculum  
1565 with an industry-specific curriculum aligned directly to  
1566 priority workforce needs established by the local workforce  
1567 development board or the Department of Economic Opportunity.  
1568 Career and professional academies shall be offered by public  
1569 schools and school districts. Career and professional academies  
1570 may be offered by charter schools. The Florida Virtual School is

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

1571 encouraged to develop and offer rigorous career and professional  
1572 courses as appropriate. Students completing career and  
1573 professional academy programs must receive a standard high  
1574 school diploma, the highest available industry certification,  
1575 and opportunities to earn postsecondary credit if the academy  
1576 partners with a postsecondary institution approved to operate in  
1577 the state.

1578 Section 10. Subsection (3) of section 1008.3415, Florida  
1579 Statutes, is renumbered as subsection (4), and a new subsection  
1580 (3) is added to that section to read:

1581 1008.3415 School grade or school improvement rating for  
1582 exceptional student education centers.—

1583 (3) A charter school that is an exceptional student  
1584 education center and that receives two consecutive ratings of  
1585 "maintaining" or higher may replicate its educational program  
1586 under s. 1002.331(3). The Commissioner of Education, upon  
1587 request by the charter school, shall verify that the charter  
1588 school meets the requirements of this subsection and provide a  
1589 letter to the charter school and the sponsor stating that the  
1590 charter school may replicate its educational program in the same  
1591 manner as a high-performing charter school under s. 1002.331(3).

1592 Section 11. Subsection (2) of section 1012.32, Florida  
1593 Statutes, is amended to read:

1594 1012.32 Qualifications of personnel.—

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1595 (2) (a) Instructional and noninstructional personnel who  
1596 are hired or contracted to fill positions that require direct  
1597 contact with students in any district school system or  
1598 university lab school must, upon employment or engagement to  
1599 provide services, undergo background screening as required under  
1600 s. 1012.465 or s. 1012.56, whichever is applicable.

1601 (b) 1. Instructional and noninstructional personnel who are  
1602 hired or contracted to fill positions in a ~~any~~ charter school,  
1603 other than a school of hope as defined in s. 1002.333, and  
1604 members of the governing board of such ~~any~~ charter school, in  
1605 compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,  
1606 engagement of services, or appointment, shall undergo background  
1607 screening as required under s. 1012.465 or s. 1012.56, whichever  
1608 is applicable, by filing with the district school board for the  
1609 school district in which the charter school is located a  
1610 complete set of fingerprints taken by an authorized law  
1611 enforcement agency or an employee of the school or school  
1612 district who is trained to take fingerprints.

1613 2. Instructional and noninstructional personnel who are  
1614 hired or contracted to fill positions in a school of hope as  
1615 defined in s. 1002.333, and members of the governing board of  
1616 such school of hope, shall file with the school of hope a  
1617 complete set of fingerprints taken by an authorized law  
1618 enforcement agency, by an employee of the school of hope or  
1619 school district who is trained to take fingerprints, or by any

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1620 other entity recognized by the Department of Law Enforcement to  
1621 take fingerprints.

1622 (c) Instructional and noninstructional personnel who are  
1623 hired or contracted to fill positions that require direct  
1624 contact with students in an alternative school that operates  
1625 under contract with a district school system must, upon  
1626 employment or engagement to provide services, undergo background  
1627 screening as required under s. 1012.465 or s. 1012.56, whichever  
1628 is applicable, by filing with the district school board for the  
1629 school district to which the alternative school is under  
1630 contract a complete set of fingerprints taken by an authorized  
1631 law enforcement agency or an employee of the school or school  
1632 district who is trained to take fingerprints.

1633 (d) Student teachers and persons participating in a field  
1634 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1635 district school system, lab school, or charter school must, upon  
1636 engagement to provide services, undergo background screening as  
1637 required under s. 1012.56.

1638  
1639 Required fingerprints must ~~shall~~ be submitted to the Department  
1640 of Law Enforcement for statewide criminal and juvenile records  
1641 checks and to the Federal Bureau of Investigation for federal  
1642 criminal records checks. A person subject to this subsection who  
1643 is found ineligible for employment under s. 1012.315, or  
1644 otherwise found through background screening to have been

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1645 convicted of any crime involving moral turpitude as defined by  
1646 rule of the State Board of Education, shall not be employed,  
1647 engaged to provide services, or serve in any position that  
1648 requires direct contact with students. Probationary persons  
1649 subject to this subsection terminated because of their criminal  
1650 record have the right to appeal such decisions. The cost of the  
1651 background screening may be borne by the district school board,  
1652 the charter school, the employee, the contractor, or a person  
1653 subject to this subsection. A district school board shall  
1654 reimburse a charter school the cost of background screening if  
1655 it does not notify the charter school of the eligibility of a  
1656 governing board member or instructional or noninstructional  
1657 personnel within the earlier of 14 days after receipt of the  
1658 background screening results from the Florida Department of Law  
1659 Enforcement or 30 days of submission of fingerprints by the  
1660 governing board member or instructional or noninstructional  
1661 personnel.

1662 Section 12. Paragraph (a) of subsection (1) of section  
1663 1013.62, Florida Statutes, is amended to read:

1664 1013.62 Charter schools capital outlay funding.—

1665 (1) For the 2020-2021 fiscal year, charter school capital  
1666 outlay funding shall consist of state funds appropriated in the  
1667 2020-2021 General Appropriations Act. Beginning in fiscal year  
1668 2021-2022, charter school capital outlay funding shall consist  
1669 of state funds when such funds are appropriated in the General

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1670 Appropriations Act and revenue resulting from the discretionary  
1671 millage authorized in s. 1011.71(2) if the amount of state funds  
1672 appropriated for charter school capital outlay in any fiscal  
1673 year is less than the average charter school capital outlay  
1674 funds per unweighted full-time equivalent student for the 2018-  
1675 2019 fiscal year, multiplied by the estimated number of charter  
1676 school students for the applicable fiscal year, and adjusted by  
1677 changes in the Consumer Price Index issued by the United States  
1678 Department of Labor from the previous fiscal year. Nothing in  
1679 this subsection prohibits a school district from distributing to  
1680 charter schools funds resulting from the discretionary millage  
1681 authorized in s. 1011.71(2).

1682 (a) To be eligible to receive capital outlay funds, a  
1683 charter school must:

1684 1.a. Have been in operation for 2 or more years;

1685 b. Be governed by a governing board established in the  
1686 state for 2 or more years which operates both charter schools  
1687 and conversion charter schools within the state;

1688 c. Be an expanded feeder chain of a charter school within  
1689 the same school district that is currently receiving charter  
1690 school capital outlay funds;

1691 d. Have been accredited by a regional accrediting  
1692 association as defined by State Board of Education rule; ~~or~~

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1693 e. Serve students in facilities that are provided by a  
1694 business partner for a charter school-in-the-workplace pursuant  
1695 to s. 1002.33(15) (b); or

1696 f. Be operated by a hope operator pursuant to s. 1002.333.

1697 2. Have an annual audit that does not reveal any of the  
1698 financial emergency conditions provided in s. 218.503(1) for the  
1699 most recent fiscal year for which such audit results are  
1700 available.

1701 3. Have satisfactory student achievement based on state  
1702 accountability standards applicable to the charter school.

1703 4. Have received final approval from its sponsor pursuant  
1704 to s. 1002.33 for operation during that fiscal year.

1705 5. Serve students in facilities that are not provided by  
1706 the charter school's sponsor.

1707 Section 13. This act shall take effect July 1, 2021.

1708  
1709 -----

**T I T L E A M E N D M E N T**

1710 Remove everything before the enacting clause and insert:

1711 A bill to be entitled

1712 An act relating to education; amending s. 1001.35,  
1713 F.S.; providing district school board member term  
1714 limits; prohibiting certain service from counting  
1715 toward the limit; amending s. 1002.32, F.S.; revising  
1716 the charter lab schools exempted from a certain  
1717

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1718 limitation; providing that the limitation on lab  
1719 schools does not apply certain schools serving a  
1720 military installation; revising a limitation on lab  
1721 schools receiving specified funds; amending s.  
1722 1002.321, F.S.; conforming a provision to changes made  
1723 by the act; amending s. 1002.33, F.S.; authorizing  
1724 state universities and Florida College System  
1725 institutions to solicit applications for and sponsor  
1726 charter schools under certain circumstances;  
1727 authorizing a state university or Florida College  
1728 System institution to, at its discretion, deny an  
1729 application for a charter school; prohibiting certain  
1730 interlocal agreements; revising the contents of an  
1731 annual report that charter school sponsors must  
1732 provide to the Department of Education; revising the  
1733 date by which the department must post a specified  
1734 annual report; requiring certain school districts to  
1735 reduce administrative fees withheld; requiring such  
1736 school districts to file certain monthly reports;  
1737 authorizing such school districts to resume  
1738 withholding full amount of administrative fees under  
1739 specified circumstance; authorizing certain charter  
1740 schools to recover attorney fees and costs;  
1741 authorizing parties to appeal without first mediating  
1742 in certain circumstances; providing that certain

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1743 changes to curriculum are deemed approved; providing  
1744 an exception; revising the circumstances in which a  
1745 charter may be immediately terminated; providing that  
1746 certain information must be provided to specified  
1747 entities upon immediate termination; authorizing the  
1748 of award specified fees and costs in certain  
1749 circumstances; authorizing a sponsor to seek an  
1750 injunction in certain circumstances; revising  
1751 provisions related to sponsor assumption of operation;  
1752 revising provisions relating to Florida College System  
1753 institutions that are operating charter schools;  
1754 requiring the board of trustees of a state university  
1755 or Florida College System institution that is  
1756 sponsoring a charter school to serve as the local  
1757 educational agency for such school; prohibiting  
1758 certain charter school students from being included in  
1759 specified school district grade calculations;  
1760 requiring the department to develop a sponsor  
1761 evaluation framework; providing requirements for the  
1762 framework; deleting obsolete language; revising the  
1763 student populations for which a charter school is  
1764 authorized to give enrollment preference and limit the  
1765 enrollment process; providing a calculation for the  
1766 operational funding for a charter school sponsored by  
1767 a state university or Florida College System

353491

Approved For Filing: 4/26/2021 10:54:32 PM



Amendment No.

1768 institution; requiring the department to develop a  
1769 tool for state universities and Florida College System  
1770 institutions for specified purposes relating to  
1771 certain funding calculations; providing that such  
1772 funding must be appropriated to the charter school;  
1773 providing for capital outlay funding for such schools;  
1774 specifying an administrative fee for certain schools;  
1775 conforming provisions to changes made by the act;  
1776 amending s. 1002.331, F.S.; revising requirements for  
1777 a charter school to be a high-performing charter  
1778 school; revising a limitation on the expansion of  
1779 high-performing charter schools; revising a limitation  
1780 on the establishment of charter schools by a high-  
1781 performing charter school; amending s. 1002.333, F.S.;  
1782 revising the definition of the term "persistently low-  
1783 performing school"; authorizing certain entities to be  
1784 designated as a local education agency by the  
1785 department; authorizing such entities to report  
1786 students in a specified manner; providing requirements  
1787 for nonprofit entities operating schools of hope;  
1788 revising procedures for the reporting of certain  
1789 surplus facilities; authorizing certain nonprofit  
1790 entities to use specified funds within the same school  
1791 district; providing how such funds may be used;  
1792 revising the length of time certain funds may be

353491

Approved For Filing: 4/26/2021 10:54:32 PM

Amendment No.

1793 carried forward; amending s. 1002.45, F.S.;

1794 authorizing virtual charter schools to provide part-

1795 time instruction; revising requirements for contact;

1796 amending s. 1002.455, F.S.; conforming a provision to

1797 changes made by the act; amending s. 1003.493, F.S.;

1798 authorizing a career and professional academy to be

1799 offered by a charter school; amending s. 1008.3415,

1800 F.S.; authorizing certain exceptional student

1801 education centers to replicate their educational

1802 programs; requiring the Commissioner of Education to

1803 verify certain information and provide a letter to

1804 specified entities; amending s. 1012.32, F.S.;

1805 specifying that existing background screening

1806 requirements do not apply to schools of hope;

1807 providing background screening requirements for

1808 schools of hope; amending s. 1013.62, F.S.;

1809 authorizing certain schools of hope to receive capital

1810 outlay funding; providing an effective date.

353491

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