



357618

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/RM	.	Floor: CA
04/28/2021 02:10 PM	.	04/28/2021 06:33 PM
	.	

Senator Hutson moved the following:

1 **Senate Amendment to House Amendment (436105) (with title**
2 **amendment)**

3
4 Delete lines 5 - 1747

5 and insert:

6 Section 1. Subsection (10) of section 1001.43, Florida
7 Statutes, is amended to read:

8 1001.43 Supplemental powers and duties of district school
9 board.—The district school board may exercise the following
10 supplemental powers and duties as authorized by this code or
11 State Board of Education rule.



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12 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The
13 district school board may adopt policies and procedures
14 necessary for the daily business operation of the district
15 school board, including, but not limited to, the provision of
16 legal services for the district school board; conducting a
17 district legislative program; district school board member
18 participation at conferences, conventions, and workshops,
19 including member compensation and reimbursement for expenses;
20 district school board policy development, adoption, and repeal;
21 district school board meeting procedures, including
22 participation via telecommunications networks, use of technology
23 at meetings, and presentations by nondistrict personnel; citizen
24 communications with the district school board and with
25 individual district school board members; collaboration with
26 local government and other entities as required by law; and
27 organization of the district school board, including special
28 committees and advisory committees. Members of special
29 committees and advisory committees may attend meetings in person
30 or through the use of telecommunications networks such as
31 telephonic and video conferencing.

32 Section 2. Subsection (2) of section 1002.32, Florida
33 Statutes, is amended to read:

34 1002.32 Developmental research (laboratory) schools.—

35 (2) ESTABLISHMENT.—There is established a category of
36 public schools to be known as developmental research
37 (laboratory) schools (lab schools). Each lab school shall
38 provide sequential instruction and shall be affiliated with the
39 college of education within the state university of closest
40 geographic proximity. A lab school to which a charter has been



41 issued under s. 1002.33(5)(a)2. must be affiliated with the
42 college of education within the state university that issued the
43 charter, but is not subject to the requirement that the state
44 university be of closest geographic proximity. For the purpose
45 of state funding, Florida Agricultural and Mechanical
46 University, Florida Atlantic University, Florida State
47 University, the University of Florida, and other universities
48 approved by the State Board of Education and the Legislature are
49 authorized to sponsor a lab school. The limitation of one lab
50 school per university shall not apply to the following
51 legislatively allowed charter lab schools ~~authorized prior to~~
52 ~~June 1, 2003~~: Florida State University Charter Lab K-12 School
53 in Broward County, Florida Atlantic University Charter Lab K-12
54 ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic
55 University Charter Lab K-12 School in St. Lucie County. The
56 limitation of one lab school per university does not apply to a
57 university that establishes a lab school to serve families of a
58 military installation that is within the same county as a branch
59 campus that offers programs from the university's college of
60 education.

61 Section 3. Paragraph (d) of subsection (4) of section
62 1002.321, Florida Statutes, is amended to read:

63 1002.321 Digital learning.—

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

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



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

79 1002.33 Charter schools.—

80 (1) AUTHORIZATION.—All charter schools in Florida are
81 public schools and shall be part of the state's program of
82 public education. A charter school may be formed by creating a
83 new school or converting an existing public school to charter
84 status. A charter school may operate a virtual charter school
85 pursuant to s. 1002.45(1)(d) to provide ~~full-time~~ online
86 instruction to students, pursuant to s. 1002.455, in
87 kindergarten through grade 12. The school district in which the
88 student enrolls in the virtual charter school shall report the
89 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and
90 the home school district shall not report the student for
91 funding. An existing charter school that is seeking to become a
92 virtual charter school must amend its charter or submit a new
93 application pursuant to subsection (6) to become a virtual
94 charter school. A virtual charter school is subject to the
95 requirements of this section; however, a virtual charter school
96 is exempt from subsections (18) and (19), paragraph (20)(c), and
97 s. 1003.03. A public school may not use the term charter in its
98 name unless it has been approved under this section.



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99 (2) GUIDING PRINCIPLES; PURPOSE.—

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

101 1. Create innovative measurement tools.

102 2. Provide rigorous competition within the public school
103 ~~system district~~ to stimulate continual improvement in all public
104 schools.

105 3. Expand the capacity of the public school system.

106 4. Mitigate the educational impact created by the
107 development of new residential dwelling units.

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

110 (5) SPONSOR; DUTIES.—

111 (a) *Sponsoring entities.*—

112 1. A district school board may sponsor a charter school in
113 the county over which the district school board has
114 jurisdiction.

115 2. A state university may grant a charter to a lab school
116 created under s. 1002.32 and shall be considered to be the
117 school's sponsor. Such school shall be considered a charter lab
118 school.

119 3. Because needs relating to educational capacity,
120 workforce qualifications, and career education opportunities are
121 constantly changing and extend beyond school district
122 boundaries:

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

127 b. A Florida College System institution may, upon approval



128 by the Department of Education, solicit applications and sponsor
129 a charter school in any county within its service area to meet
130 workforce demands and may offer postsecondary programs leading
131 to industry certifications to eligible charter school students.

132 A charter school established under subparagraph (b)4. may not be
133 sponsored by a Florida College System institution until its
134 existing charter with the school district expires as provided
135 under subsection (7).

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

139 (b) *Sponsor duties.*—

140 1.a. The sponsor shall monitor and review the charter
141 school in its progress toward the goals established in the
142 charter.

143 b. The sponsor shall monitor the revenues and expenditures
144 of the charter school and perform the duties provided in s.
145 1002.345.

146 c. The sponsor may approve a charter for a charter school
147 before the applicant has identified space, equipment, or
148 personnel, if the applicant indicates approval is necessary for
149 it to raise working funds.

150 d. The sponsor shall not apply its policies to a charter
151 school unless mutually agreed to by both the sponsor and the
152 charter school. If the sponsor subsequently amends any agreed-
153 upon sponsor policy, the version of the policy in effect at the
154 time of the execution of the charter, or any subsequent
155 modification thereof, shall remain in effect and the sponsor may
156 not hold the charter school responsible for any provision of a



157 newly revised policy until the revised policy is mutually agreed
158 upon.

159 e. The sponsor shall ensure that the charter is innovative
160 and consistent with the state education goals established by s.
161 1000.03(5).

162 f. The sponsor shall ensure that the charter school
163 participates in the state's education accountability system. If
164 a charter school falls short of performance measures included in
165 the approved charter, the sponsor shall report such shortcomings
166 to the Department of Education.

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

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

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

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

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

182 (I) The report shall include the following information:

183 (A) ~~The number of draft applications received on or before~~
184 ~~May 1 and each applicant's contact information.~~

185 ~~(B)~~ The number of ~~final~~ applications received during the



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186 school year and up to on or before August 1 and each applicant's
187 contact information.

188 (B) ~~(C)~~ The date each application was approved, denied, or
189 withdrawn.

190 (C) ~~(D)~~ The date each final contract was executed.

191 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~
192 ~~each year thereafter~~, the sponsor shall submit to the department
193 the information for the applications submitted the previous
194 year.

195 (III) The department shall compile an annual report, by
196 sponsor district, and post the report on its website by January
197 15 November 1 of each year.

198 2. Immunity for the sponsor of a charter school under
199 subparagraph 1. applies only with respect to acts or omissions
200 not under the sponsor's direct authority as described in this
201 section.

202 3. This paragraph does not waive a sponsor's district
203 ~~school board's~~ sovereign immunity.

204 4. A Florida College System institution may work with the
205 school district or school districts in its designated service
206 area to develop charter schools that offer secondary education.
207 These charter schools must include an option for students to
208 receive an associate degree upon high school graduation. If a
209 Florida College System institution operates an approved teacher
210 preparation program under s. 1004.04 or s. 1004.85, the
211 institution may operate ~~no more than one~~ charter schools ~~school~~
212 that serve ~~serves~~ students in kindergarten through grade 12 in
213 any school district within the service area of the institution.
214 ~~In kindergarten through grade 8, the charter school shall~~



215 ~~implement innovative blended learning instructional models in~~
216 ~~which, for a given course, a student learns in part through~~
217 ~~online delivery of content and instruction with some element of~~
218 ~~student control over time, place, path, or pace and in part at a~~
219 ~~supervised brick-and-mortar location away from home. A student~~
220 ~~in a blended learning course must be a full-time student of the~~
221 ~~charter school and receive the online instruction in a classroom~~
222 ~~setting at the charter school.~~ District school boards shall
223 cooperate with and assist the Florida College System institution
224 on the charter application. Florida College System institution
225 applications for charter schools are not subject to the time
226 deadlines outlined in subsection (6) and may be approved by the
227 district school board at any time during the year. Florida
228 College System institutions may not report FTE for any students
229 participating under this subparagraph who receive FTE funding
230 through the Florida Education Finance Program.

231 5. For purposes of assisting the development of a charter
232 school, a school district may enter into nonexclusive interlocal
233 agreements with federal and state agencies, counties,
234 municipalities, and other governmental entities that operate
235 within the geographical borders of the school district to act on
236 behalf of such governmental entities in the inspection,
237 issuance, and other necessary activities for all necessary
238 permits, licenses, and other permissions that a charter school
239 needs in order for development, construction, or operation. A
240 charter school may use, but may not be required to use, a school
241 district for these services. The interlocal agreement must
242 include, but need not be limited to, the identification of fees
243 that charter schools will be charged for such services. The fees



244 must consist of the governmental entity's fees plus a fee for
245 the school district to recover no more than actual costs for
246 providing such services. These services and fees are not
247 included within the services to be provided pursuant to
248 subsection (20). Notwithstanding any other provision of law, an
249 interlocal agreement between a school district and a federal or
250 state agency, county, municipality, or other governmental entity
251 which prohibits or limits the creation of a charter school
252 within the geographic borders of the school district is void and
253 unenforceable.

254 6. The board of trustees of a sponsoring state university
255 or Florida College System institution under paragraph (a) is the
256 local educational agency for all charter schools it sponsors for
257 purposes of receiving federal funds and accepts full
258 responsibility for all local educational agency requirements and
259 the schools for which it will perform local educational agency
260 responsibilities. A student enrolled in a charter school that is
261 sponsored by a state university or Florida College System
262 institution may not be included in the calculation of the school
263 district's grade under s. 1008.34(5) for the school district in
264 which he or she resides.

265 (c) Sponsor accountability.-

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

269 a. The sponsor's strategic vision for charter school
270 authorization and the sponsor's progress toward that vision.

271 b. The alignment of the sponsor's policies and practices to
272 best practices for charter school authorization.



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

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

277 2. The department shall compile the results by sponsor and
278 include the results in the report required under sub-sub-
279 subparagraph (b)1.k.(III).

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

282 (b) A sponsor shall receive and review all applications for
283 a charter school using the evaluation instrument developed by
284 the Department of Education. ~~A sponsor shall receive and~~
285 ~~consider charter school applications received on or before~~
286 ~~August 1 of each calendar year for charter schools to be opened~~
287 ~~at the beginning of the school district's next school year, or~~
288 ~~to be opened at a time agreed to by the applicant and the~~
289 ~~sponsor. A sponsor may not refuse to receive a charter school~~
290 ~~application submitted before August 1 and may receive an~~
291 ~~application submitted later than August 1 if it chooses.~~
292 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
293 consider charter school applications ~~received on or before~~
294 ~~February 1 of each calendar year for charter schools to be~~
295 ~~opened 18 months later at the beginning of the school district's~~
296 ~~school year, or~~ to be opened at a time determined by the
297 applicant. ~~A sponsor may not refuse to receive a charter school~~
298 ~~application submitted before February 1 and may receive an~~
299 ~~application submitted later than February 1 if it chooses.~~ A
300 sponsor may not charge an applicant for a charter any fee for
301 the processing or consideration of an application, and a sponsor



302 may not base its consideration or approval of a final
303 application upon the promise of future payment of any kind.
304 Before approving or denying any application, the sponsor shall
305 allow the applicant, upon receipt of written notification, at
306 least 7 calendar days to make technical or nonsubstantive
307 corrections and clarifications, including, but not limited to,
308 corrections of grammatical, typographical, and like errors or
309 missing signatures, if such errors are identified by the sponsor
310 as cause to deny the final application.

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

320 2. In order to ensure fiscal responsibility, an application
321 for a charter school shall include a full accounting of expected
322 assets, a projection of expected sources and amounts of income,
323 including income derived from projected student enrollments and
324 from community support, and an expense projection that includes
325 full accounting of the costs of operation, including start-up
326 costs.

327 3.a. A sponsor shall by a majority vote approve or deny an
328 application no later than 90 calendar days after the application
329 is received, unless the sponsor and the applicant mutually agree
330 in writing to temporarily postpone the vote to a specific date,



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

340 b. An application submitted by a high-performing charter
341 school identified pursuant to s. 1002.331 or a high-performing
342 charter school system identified pursuant to s. 1002.332 may be
343 denied by the sponsor only if the sponsor demonstrates by clear
344 and convincing evidence that:

345 (I) The application of a high-performing charter school
346 does not materially comply with the requirements in paragraph
347 (a) or, for a high-performing charter school system, the
348 application does not materially comply with s. 1002.332(2)(b);

349 (II) The charter school proposed in the application does
350 not materially comply with the requirements in paragraphs
351 (9)(a)-(f);

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

355 (IV) The applicant has made a material misrepresentation or
356 false statement or concealed an essential or material fact
357 during the application process; or

358 (V) The proposed charter school's educational program and
359 financial management practices do not materially comply with the



360 requirements of this section.

361

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

373 c. If the sponsor denies an application submitted by a
374 high-performing charter school or a high-performing charter
375 school system, the sponsor must, within 10 calendar days after
376 such denial, state in writing the specific reasons, based upon
377 the criteria in sub-subparagraph b., supporting its denial of
378 the application and must provide the letter of denial and
379 supporting documentation to the applicant and to the Department
380 of Education. The applicant may appeal the sponsor's denial of
381 the application in accordance with paragraph (c).

382 4. For budget projection purposes, the sponsor shall report
383 to the Department of Education the approval or denial of an
384 application within 10 calendar days after such approval or
385 denial. In the event of approval, the report to the Department
386 of Education shall include the final projected FTE for the
387 approved charter school.

388 ~~5. Upon approval of an application, the initial startup~~



389 ~~shall commence with the beginning of the public school calendar~~
390 ~~for the district in which the charter is granted.~~ A charter
391 school may defer the opening of the school's operations for up
392 to 3 years to provide time for adequate facility planning. The
393 charter school must provide written notice of such intent to the
394 sponsor and the parents of enrolled students at least 30
395 calendar days before the first day of school.

396 (d) 1. The sponsor shall act upon the decision of the State
397 Board of Education within 30 calendar days after it is received.
398 The State Board of Education's decision is a final action
399 subject to judicial review in the district court of appeal. A
400 prevailing party may file an action with the Division of
401 Administrative Hearings to recover reasonable attorney fees and
402 costs incurred during the denial of the application and any
403 appeals.

404 2. A school district that fails to implement the decision
405 affirmed by a district court of appeal shall reduce the
406 administrative fees withheld pursuant to subsection (20) to 1
407 percent for all charter schools operating in the school
408 district. Such school districts shall file a monthly report
409 detailing the reduction in the amount of administrative fees
410 withheld. Upon execution of the charter, the sponsor may resume
411 withholding the full amount of administrative fees but may not
412 recover any fees that would have otherwise accrued during the
413 period of noncompliance. Any charter school that had
414 administrative fees withheld in violation of this paragraph may
415 recover attorney fees and costs to enforce the requirements of
416 this paragraph.

417 (7) CHARTER.—The terms and conditions for the operation of



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

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

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

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

443 a. The charter shall ensure that reading is a primary focus
444 of the curriculum and that resources are provided to identify
445 and provide specialized instruction for students who are reading
446 below grade level. The curriculum and instructional strategies



447 for reading must be consistent with the Next Generation Sunshine
448 State Standards and grounded in scientifically based reading
449 research.

450 b. In order to provide students with access to diverse
451 instructional delivery models, to facilitate the integration of
452 technology within traditional classroom instruction, and to
453 provide students with the skills they need to compete in the
454 21st century economy, the Legislature encourages instructional
455 methods for blended learning courses consisting of both
456 traditional classroom and online instructional techniques.
457 Charter schools may implement blended learning courses which
458 combine traditional classroom instruction and virtual
459 instruction. Students in a blended learning course must be full-
460 time students of the charter school pursuant to s.
461 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
462 1012.55 who provide virtual instruction for blended learning
463 courses may be employees of the charter school or may be under
464 contract to provide instructional services to charter school
465 students. At a minimum, such instructional personnel must hold
466 an active state or school district adjunct certification under
467 s. 1012.57 for the subject area of the blended learning course.
468 The funding and performance accountability requirements for
469 blended learning courses are the same as those for traditional
470 courses.

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

475 a. How the baseline student academic achievement levels and



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476 prior rates of academic progress will be established.

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

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

483

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

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

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

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

503 7. The admissions procedures and dismissal procedures,
504 including the school's code of student conduct. Admission or



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505 dismissal must not be based on a student's academic performance.

506 8. The ways by which the school will achieve a
507 racial/ethnic balance reflective of the community it serves or
508 within the racial/ethnic range of other nearby public schools ~~in~~
509 ~~the same school district.~~

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

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

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



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

554 13. The facilities to be used and their location. The
555 sponsor may not require a charter school to have a certificate
556 of occupancy or a temporary certificate of occupancy for such a
557 facility earlier than 15 calendar days before the first day of
558 school.

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

562 15. The governance structure of the school, including the



563 status of the charter school as a public or private employer as
564 required in paragraph (12) (i).

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

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

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



592 19. Implementation of the activities authorized under s.
593 1002.331 by the charter school when it satisfies the eligibility
594 requirements for a high-performing charter school. A high-
595 performing charter school shall notify its sponsor in writing by
596 March 1 if it intends to increase enrollment or expand grade
597 levels the following school year. The written notice shall
598 specify the amount of the enrollment increase and the grade
599 levels that will be added, as applicable.

600 (b) The sponsor has 30 days after approval of the
601 application to provide an initial proposed charter contract to
602 the charter school. The applicant and the sponsor have 40 days
603 thereafter to negotiate and notice the charter contract for
604 final approval by the sponsor unless both parties agree to an
605 extension. The proposed charter contract shall be provided to
606 the charter school at least 7 calendar days before the date of
607 the meeting at which the charter is scheduled to be voted upon
608 by the sponsor. The Department of Education shall provide
609 mediation services for any dispute regarding this section
610 subsequent to the approval of a charter application and for any
611 dispute relating to the approved charter, except a dispute
612 regarding a charter school application denial. If either the
613 charter school or the sponsor indicates in writing that the
614 party does not desire to settle any dispute arising under this
615 section through mediation procedures offered by the Department
616 of Education, a charter school may immediately appeal any formal
617 or informal decision by the sponsor to an administrative law
618 judge appointed by the Division of Administrative Hearings. If
619 the Commissioner of Education determines that the dispute cannot
620 be settled through mediation, the dispute may also be appealed



621 to an administrative law judge appointed by the Division of
622 Administrative Hearings. The administrative law judge has final
623 order authority to rule on issues of equitable treatment of the
624 charter school as a public school, whether proposed provisions
625 of the charter violate the intended flexibility granted charter
626 schools by statute, or any other matter regarding this section,
627 except a dispute regarding charter school application denial, a
628 charter termination, or a charter nonrenewal. The administrative
629 law judge shall award the prevailing party reasonable attorney
630 fees and costs incurred during the mediation process,
631 administrative proceeding, and any appeals, to be paid by the
632 party whom the administrative law judge rules against.

633 (d) A charter may be modified during its initial term or
634 any renewal term upon the recommendation of the sponsor or the
635 charter school's governing board and the approval of both
636 parties to the agreement. Changes to curriculum which are
637 consistent with state standards shall be deemed approved unless
638 the sponsor and the Department of Education determine in writing
639 that the curriculum is inconsistent with state standards.

640 Modification during any term may include, but is not limited to,
641 consolidation of multiple charters into a single charter if the
642 charters are operated under the same governing board, regardless
643 of the renewal cycle. A charter school that is not subject to a
644 school improvement plan and that closes as part of a
645 consolidation shall be reported by the sponsor ~~school district~~
646 as a consolidation.

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

648 (c) A charter may be terminated immediately if the sponsor
649 sets forth in writing the particular facts and circumstances



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



679 ~~fees to the charter school if the charter school prevails on~~
680 ~~appeal.~~

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

702 (e) If a charter is not renewed or is terminated, the
703 charter school is responsible for all debts of the charter
704 school. The sponsor ~~district~~ may not assume the debt from any
705 contract made between the governing body of the school and a
706 third party, except for a debt that is previously detailed and
707 agreed upon in writing by both the sponsor ~~district~~ and the



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708 governing body of the school and that may not reasonably be
709 assumed to have been satisfied by the sponsor ~~district~~.

710 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

724 2. Charter schools shall provide annual financial report
725 and program cost report information in the state-required
726 formats for inclusion in sponsor ~~district~~ reporting in
727 compliance with s. 1011.60(1). Charter schools that are operated
728 by a municipality or are a component unit of a parent nonprofit
729 organization may use the accounting system of the municipality
730 or the parent but must reformat this information for reporting
731 according to this paragraph.

732 3. A charter school shall, upon approval of the charter
733 contract, provide the sponsor with a concise, uniform, monthly
734 financial statement summary sheet that contains a balance sheet
735 and a statement of revenue, expenditures, and changes in fund
736 balance. The balance sheet and the statement of revenue,



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

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

749 (n)1. The director and a representative of the governing
750 board of a charter school that has earned a grade of "D" or "F"
751 pursuant to s. 1008.34 shall appear before the sponsor to
752 present information concerning each contract component having
753 noted deficiencies. The director and a representative of the
754 governing board shall submit to the sponsor for approval a
755 school improvement plan to raise student performance. Upon
756 approval by the sponsor, the charter school shall begin
757 implementation of the school improvement plan. The department
758 shall offer technical assistance and training to the charter
759 school and its governing board and establish guidelines for
760 developing, submitting, and approving such plans.

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

764 (I) Contract for educational services to be provided
765 directly to students, instructional personnel, and school



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766 administrators, as prescribed in state board rule;

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

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

771 (IV) Voluntarily close the charter school.

772 b. The charter school must implement the corrective action
773 in the school year following receipt of a third consecutive
774 grade below a "C."

775 c. The sponsor may annually waive a corrective action if it
776 determines that the charter school is likely to improve a letter
777 grade if additional time is provided to implement the
778 intervention and support strategies prescribed by the school
779 improvement plan. Notwithstanding this sub-subparagraph, a
780 charter school that earns a second consecutive grade of "F" is
781 subject to subparagraph 3.

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

789 e. A charter school implementing a corrective action that
790 does not improve to a "C" or higher after 2 full school years of
791 implementing the corrective action must select a different
792 corrective action. Implementation of the new corrective action
793 must begin in the school year following the implementation
794 period of the existing corrective action, unless the sponsor



795 determines that the charter school is likely to improve to a "C"
796 or higher if additional time is provided to implement the
797 existing corrective action. Notwithstanding this sub-
798 subparagraph, a charter school that earns a second consecutive
799 grade of "F" while implementing a corrective action is subject
800 to subparagraph 3.

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

804 a. The charter school is established to turn around the
805 performance of a district public school pursuant to s.
806 1008.33(4)(b)2. Such charter schools shall be governed by s.
807 1008.33;

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

815 c. The state board grants the charter school a waiver of
816 termination. The charter school must request the waiver within
817 15 days after the department's official release of school
818 grades. The state board may waive termination if the charter
819 school demonstrates that the Learning Gains of its students on
820 statewide assessments are comparable to or better than the
821 Learning Gains of similarly situated students enrolled in nearby
822 ~~district~~ public schools. The waiver is valid for 1 year and may
823 only be granted once. Charter schools that have been in



824 operation for more than 5 years are not eligible for a waiver
825 under this sub-subparagraph.

826

827 The sponsor shall notify the charter school's governing board,
828 the charter school principal, and the department in writing when
829 a charter contract is terminated under this subparagraph. A
830 charter terminated under this subparagraph must follow the
831 procedures for dissolution and reversion of public funds
832 pursuant to paragraphs (8)(d)-(f) and (9)(o).

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

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

846 (10) ELIGIBLE STUDENTS.—

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

849 1. Students who are siblings of a student enrolled in the
850 charter school.

851 2. Students who are the children of a member of the
852 governing board of the charter school.



- 853 3. Students who are the children of an employee of the
854 charter school.
- 855 4. Students who are the children of:
- 856 a. An employee of the business partner of a charter
857 school-in-the-workplace established under paragraph (15)(b) or a
858 resident of the municipality in which such charter school is
859 located; or
- 860 b. A resident or employee of a municipality that operates a
861 charter school-in-a-municipality pursuant to paragraph (15)(c)
862 or allows a charter school to use a school facility or portion
863 of land provided by the municipality for the operation of the
864 charter school.
- 865 5. Students who have successfully completed, during the
866 previous year, a voluntary prekindergarten education program
867 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
868 charter school's governing board, or a voluntary prekindergarten
869 provider that has a written agreement with the governing board
870 during the previous year.
- 871 6. Students who are the children of an active duty member
872 of any branch of the United States Armed Forces.
- 873 7. Students who attended or are assigned to failing schools
874 pursuant to s. 1002.38(2).
- 875 (e) A charter school may limit the enrollment process only
876 to target the following student populations:
- 877 1. Students within specific age groups or grade levels.
- 878 2. Students considered at risk of dropping out of school or
879 academic failure. Such students shall include exceptional
880 education students.
- 881 3. Students enrolling in a charter school-in-the-workplace



882 or charter school-in-a-municipality established pursuant to
883 subsection (15).

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

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

900 6. Students articulating from one charter school to another
901 pursuant to an articulation agreement between the charter
902 schools that has been approved by the sponsor.

903 7. Students living in a development in which a developer,
904 including any affiliated business entity or charitable
905 foundation, contributes to the formation, acquisition,
906 construction, or operation of one or more charter schools or
907 charter ~~provides the school facilities facility~~ and related
908 property in an amount equal to or having a total ~~an~~ appraised
909 value of at least \$5 million to be used as ~~a~~ charter schools
910 ~~school~~ to mitigate the educational impact created by the



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911 development of new residential dwelling units. Students living
912 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
913 percent of the student stations in the charter schools ~~school~~.
914 The students who are eligible for enrollment are subject to a
915 random lottery, the racial/ethnic balance provisions, or any
916 federal provisions, as described in subparagraph 4. The
917 remainder of the student stations must ~~shall~~ be filled in
918 accordance with subparagraph 4.

919 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
920 OF THE STATE AND SPONSOR SCHOOL ~~DISTRICT~~; CREDIT OR TAXING POWER
921 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or
922 otherwise secure funds for a charter school authorized in this
923 section from a source other than the state or a sponsor ~~school~~
924 ~~district~~ shall indemnify the state and the sponsor ~~school~~
925 ~~district~~ from any and all liability, including, but not limited
926 to, financial responsibility for the payment of the principal or
927 interest. Any loans, bonds, or other financial agreements are
928 not obligations of the state or the sponsor ~~school district~~ but
929 are obligations of the charter school authority and are payable
930 solely from the sources of funds pledged by such agreement. The
931 credit or taxing power of the state or the sponsor ~~school~~
932 ~~district~~ shall not be pledged and no debts shall be payable out
933 of any moneys except those of the legal entity in possession of
934 a valid charter approved by a sponsor ~~district school board~~
935 pursuant to this section.

936 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
937 A-MUNICIPALITY.—

938 (c) A charter school-in-a-municipality designation may be
939 granted to a municipality that possesses a charter; enrolls



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940 students based upon a random lottery that involves all of the
941 children of the residents of that municipality who are seeking
942 enrollment, as provided for in subsection (10); and enrolls
943 students according to the racial/ethnic balance provisions
944 described in subparagraph (7)(a)8. When a municipality has
945 submitted charter applications for the establishment of a
946 charter school feeder pattern, consisting of elementary, middle,
947 and senior high schools, and each individual charter application
948 is approved by the sponsor ~~district school board~~, such schools
949 shall then be designated as one charter school for all purposes
950 listed pursuant to this section. Any portion of the land and
951 facility used for a public charter school shall be exempt from
952 ad valorem taxes, as provided for in s. 1013.54, for the
953 duration of its use as a public school.

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

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



969 Department of Education's electronic format.

970 (b)1. The basis for the agreement for funding students
971 enrolled in a charter school shall be the sum of the school
972 district's operating funds from the Florida Education Finance
973 Program as provided in s. 1011.62 and the General Appropriations
974 Act, including gross state and local funds, discretionary
975 lottery funds, and funds from the school district's current
976 operating discretionary millage levy; divided by total funded
977 weighted full-time equivalent students in the school district;
978 and multiplied by the weighted full-time equivalent students for
979 the charter school. Charter schools whose students or programs
980 meet the eligibility criteria in law are entitled to their
981 proportionate share of categorical program funds included in the
982 total funds available in the Florida Education Finance Program
983 by the Legislature, including transportation, the research-based
984 reading allocation, and the Florida digital classrooms
985 allocation. Total funding for each charter school shall be
986 recalculated during the year to reflect the revised calculations
987 under the Florida Education Finance Program by the state and the
988 actual weighted full-time equivalent students reported by the
989 charter school during the full-time equivalent student survey
990 periods designated by the Commissioner of Education. For charter
991 schools operated by a not-for-profit or municipal entity, any
992 unrestricted current and capital assets identified in the
993 charter school's annual financial audit may be used for other
994 charter schools operated by the not-for-profit or municipal
995 entity within the school district. Unrestricted current assets
996 shall be used in accordance with s. 1011.62, and any
997 unrestricted capital assets shall be used in accordance with s.



998 1013.62(2).

999 2.a. Students enrolled in a charter school sponsored by a
1000 state university or Florida College System institution pursuant
1001 to paragraph (5) (a) shall be funded as if they are in a basic
1002 program or a special program in the school district. The basis
1003 for funding these students is the sum of the total operating
1004 funds from the Florida Education Finance Program for the school
1005 district in which the school is located as provided in s.
1006 1011.62 and the General Appropriations Act, including gross
1007 state and local funds, discretionary lottery funds, and funds
1008 from each school district's current operating discretionary
1009 millage levy, divided by total funded weighted full-time
1010 equivalent students in the district, and multiplied by the full-
1011 time equivalent membership of the charter school. The Department
1012 of Education shall develop a tool that each state university or
1013 Florida College System institution sponsoring a charter school
1014 shall use for purposes of calculating the funding amount for
1015 each eligible charter school student. The total amount obtained
1016 from the calculation must be appropriated from state funds in
1017 the General Appropriations Act to the charter school.

1018 b. Capital outlay funding for a charter school sponsored by
1019 a state university or Florida College System institution
1020 pursuant to paragraph (5) (a) is determined pursuant to s.
1021 1013.62 and the General Appropriations Act.

1022 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
1023 schools shall receive all federal funding for which the school
1024 is otherwise eligible, including Title I funding, not later than
1025 5 months after the charter school first opens and within 5
1026 months after any subsequent expansion of enrollment. Unless



1027 otherwise mutually agreed to by the charter school and its
1028 sponsor, and consistent with state and federal rules and
1029 regulations governing the use and disbursement of federal funds,
1030 the sponsor shall reimburse the charter school on a monthly
1031 basis for all invoices submitted by the charter school for
1032 federal funds available to the sponsor for the benefit of the
1033 charter school, the charter school's students, and the charter
1034 school's students as public school students in the school
1035 district. Such federal funds include, but are not limited to,
1036 Title I, Title II, and Individuals with Disabilities Education
1037 Act (IDEA) funds. To receive timely reimbursement for an
1038 invoice, the charter school must submit the invoice to the
1039 sponsor at least 30 days before the monthly date of
1040 reimbursement set by the sponsor. In order to be reimbursed, any
1041 expenditures made by the charter school must comply with all
1042 applicable state rules and federal regulations, including, but
1043 not limited to, the applicable federal Office of Management and
1044 Budget Circulars; the federal Education Department General
1045 Administrative Regulations; and program-specific statutes,
1046 rules, and regulations. Such funds may not be made available to
1047 the charter school until a plan is submitted to the sponsor for
1048 approval of the use of the funds in accordance with applicable
1049 federal requirements. The sponsor has 30 days to review and
1050 approve any plan submitted pursuant to this paragraph.

1051 (d) Charter schools shall be included by the Department of
1052 Education and the district school board in requests for federal
1053 stimulus funds in the same manner as district school board-
1054 operated public schools, including Title I and IDEA funds and
1055 shall be entitled to receive such funds. Charter schools are



1056 eligible to participate in federal competitive grants that are
1057 available as part of the federal stimulus funds.

1058 (e) Sponsors ~~District school boards~~ shall make timely and
1059 efficient payment and reimbursement to charter schools,
1060 including processing paperwork required to access special state
1061 and federal funding for which they may be eligible. Payments of
1062 funds under paragraph (b) shall be made monthly or twice a
1063 month, beginning with the start of the sponsor's ~~district school~~
1064 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
1065 twenty-fourth, as applicable, of the total state and local funds
1066 described in paragraph (b) and adjusted as set forth therein.
1067 For the first 2 years of a charter school's operation, if a
1068 minimum of 75 percent of the projected enrollment is entered
1069 into the sponsor's student information system by the first day
1070 of the current month, the sponsor ~~district school board~~ shall
1071 distribute funds to the school for the months of July through
1072 October based on the projected full-time equivalent student
1073 membership of the charter school as submitted in the approved
1074 application. If less than 75 percent of the projected enrollment
1075 is entered into the sponsor's student information system by the
1076 first day of the current month, the sponsor shall base payments
1077 on the actual number of student enrollment entered into the
1078 sponsor's student information system. Thereafter, the results of
1079 full-time equivalent student membership surveys shall be used in
1080 adjusting the amount of funds distributed monthly to the charter
1081 school for the remainder of the fiscal year. The payments shall
1082 be issued no later than 10 working days after the sponsor
1083 ~~district school board~~ receives a distribution of state or
1084 federal funds or the date the payment is due pursuant to this



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1085 subsection. If a warrant for payment is not issued within 10
1086 working days after receipt of funding by the sponsor ~~district~~
1087 ~~school board~~, the sponsor ~~school district~~ shall pay to the
1088 charter school, in addition to the amount of the scheduled
1089 disbursement, interest at a rate of 1 percent per month
1090 calculated on a daily basis on the unpaid balance from the
1091 expiration of the 10 working days until such time as the warrant
1092 is issued. The district school board may not delay payment to a
1093 charter school of any portion of the funds provided in paragraph
1094 (b) based on the timing of receipt of local funds by the
1095 district school board.

1096 (f) Funding for a virtual charter school shall be as
1097 provided in s. 1002.45(7).

1098 (g) To be eligible for public education capital outlay
1099 (PECO) funds, a charter school must be located in the State of
1100 Florida.

1101 (h) A charter school that implements a schoolwide standard
1102 student attire policy pursuant to s. 1011.78 is eligible to
1103 receive incentive payments.

1104 (18) FACILITIES.—

1105 (e) If a district school board facility or property is
1106 available because it is surplus, marked for disposal, or
1107 otherwise unused, it shall be provided for a charter school's
1108 use on the same basis as it is made available to other public
1109 schools in the district. A charter school receiving property
1110 from the sponsor ~~school district~~ may not sell or dispose of such
1111 property without written permission of the sponsor ~~school~~
1112 ~~district~~. Similarly, for an existing public school converting to
1113 charter status, no rental or leasing fee for the existing



1114 facility or for the property normally inventoried to the
1115 conversion school may be charged by the district school board to
1116 the parents and teachers organizing the charter school. The
1117 charter school shall agree to reasonable maintenance provisions
1118 in order to maintain the facility in a manner similar to
1119 district school board standards. The Public Education Capital
1120 Outlay maintenance funds or any other maintenance funds
1121 generated by the facility operated as a conversion school shall
1122 remain with the conversion school.

1123 (20) SERVICES.—

1124 (a)1. A sponsor shall provide certain administrative and
1125 educational services to charter schools. These services shall
1126 include contract management services; full-time equivalent and
1127 data reporting services; exceptional student education
1128 administration services; services related to eligibility and
1129 reporting duties required to ensure that school lunch services
1130 under the National School Lunch Program, consistent with the
1131 needs of the charter school, are provided by the sponsor ~~school~~
1132 ~~district~~ at the request of the charter school, that any funds
1133 due to the charter school under the National School Lunch
1134 Program be paid to the charter school as soon as the charter
1135 school begins serving food under the National School Lunch
1136 Program, and that the charter school is paid at the same time
1137 and in the same manner under the National School Lunch Program
1138 as other public schools serviced by the sponsor or the school
1139 district; test administration services, including payment of the
1140 costs of state-required or district-required student
1141 assessments; processing of teacher certificate data services;
1142 and information services, including equal access to the



1143 sponsor's student information systems that are used by public
1144 schools in the district in which the charter school is located
1145 or by schools in the sponsor's portfolio of charter schools if
1146 the sponsor is not a school district. Student performance data
1147 for each student in a charter school, including, but not limited
1148 to, FCAT scores, standardized test scores, previous public
1149 school student report cards, and student performance measures,
1150 shall be provided by the sponsor to a charter school in the same
1151 manner provided to other public schools in the district or by
1152 schools in the sponsor's portfolio of charter schools if the
1153 sponsor is not a school district.

1154 2. A sponsor may withhold an administrative fee for the
1155 provision of such services which shall be a percentage of the
1156 available funds defined in paragraph (17) (b) calculated based on
1157 weighted full-time equivalent students. If the charter school
1158 serves 75 percent or more exceptional education students as
1159 defined in s. 1003.01(3), the percentage shall be calculated
1160 based on unweighted full-time equivalent students. The
1161 administrative fee shall be calculated as follows:

1162 a. Up to 5 percent for:

1163 (I) Enrollment of up to and including 250 students in a
1164 charter school as defined in this section.

1165 (II) Enrollment of up to and including 500 students within
1166 a charter school system which meets all of the following:

1167 (A) Includes conversion charter schools and nonconversion
1168 charter schools.

1169 (B) Has all of its schools located in the same county.

1170 (C) Has a total enrollment exceeding the total enrollment
1171 of at least one school district in this ~~the~~ state.



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1172 (D) Has the same governing board for all of its schools.

1173 (E) Does not contract with a for-profit service provider
1174 for management of school operations.

1175 (III) Enrollment of up to and including 250 students in a
1176 virtual charter school.

1177 b. Up to 2 percent for enrollment of up to and including
1178 250 students in a high-performing charter school as defined in
1179 s. 1002.331.

1180 c. Up to 2 percent for enrollment of up to and including
1181 250 students in an exceptional student education center that
1182 meets the requirements of the rules adopted by the State Board
1183 of Education pursuant to s. 1008.3415(3).

1184 3. A sponsor may not charge charter schools any additional
1185 fees or surcharges for administrative and educational services
1186 in addition to the maximum percentage of administrative fees
1187 withheld pursuant to this paragraph.

1188 4. A sponsor shall provide to the department by September
1189 15 of each year the total amount of funding withheld from
1190 charter schools pursuant to this subsection for the prior fiscal
1191 year. The department must include the information in the report
1192 required under sub-sub-subparagraph (5)(b)1.k.(III).

1193 (b) If goods and services are made available to the charter
1194 school through the contract with the sponsor ~~school district~~,
1195 they shall be provided to the charter school at a rate no
1196 greater than the sponsor's ~~district's~~ actual cost unless
1197 mutually agreed upon by the charter school and the sponsor in a
1198 contract negotiated separately from the charter. When mediation
1199 has failed to resolve disputes over contracted services or
1200 contractual matters not included in the charter, an appeal may



1201 be made to an administrative law judge appointed by the Division
1202 of Administrative Hearings. The administrative law judge has
1203 final order authority to rule on the dispute. The administrative
1204 law judge shall award the prevailing party reasonable attorney
1205 fees and costs incurred during the mediation process,
1206 administrative proceeding, and any appeals, to be paid by the
1207 party whom the administrative law judge rules against. To
1208 maximize the use of state funds, sponsors ~~school districts~~ shall
1209 allow charter schools to participate in the sponsor's bulk
1210 purchasing program if applicable.

1211 (c) Transportation of charter school students shall be
1212 provided by the charter school consistent with the requirements
1213 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1214 body of the charter school may provide transportation through an
1215 agreement or contract with the sponsor ~~district school board~~, a
1216 private provider, or parents. The charter school and the sponsor
1217 shall cooperate in making arrangements that ensure that
1218 transportation is not a barrier to equal access for all students
1219 residing within a reasonable distance of the charter school as
1220 determined in its charter.

1221 (d) Each charter school shall annually complete and submit
1222 a survey, provided in a format specified by the Department of
1223 Education, to rate the timeliness and quality of services
1224 provided by the sponsor ~~district~~ in accordance with this
1225 section. The department shall compile the results, by sponsor
1226 ~~district~~, and include the results in the report required under
1227 sub-sub-paragraph (5) (b)1.k.(III).

1228 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1229 (a) The Department of Education shall provide information



1230 to the public, directly and through sponsors, on how to form and
1231 operate a charter school and how to enroll in a charter school
1232 once it is created. This information shall include the standard
1233 application form, standard charter contract, standard evaluation
1234 instrument, and standard charter renewal contract, which shall
1235 include the information specified in subsection (7) and shall be
1236 developed by consulting and negotiating with both sponsors
1237 ~~school districts~~ and charter schools before implementation. The
1238 charter and charter renewal contracts shall be used by charter
1239 school sponsors.

1240 (b)1. The Department of Education shall report to each
1241 charter school receiving a school grade pursuant to s. 1008.34
1242 or a school improvement rating pursuant to s. 1008.341 the
1243 school's student assessment data.

1244 2. The charter school shall report the information in
1245 subparagraph 1. to each parent of a student at the charter
1246 school, the parent of a child on a waiting list for the charter
1247 school, the sponsor ~~district in which the charter school is~~
1248 ~~located~~, and the governing board of the charter school. This
1249 paragraph does not abrogate the provisions of s. 1002.22,
1250 relating to student records, or the requirements of 20 U.S.C. s.
1251 1232g, the Family Educational Rights and Privacy Act.

1252 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
1253 SCHOOL SYSTEMS.—

1254 (a) A charter school system's governing board shall be
1255 designated a local educational agency for the purpose of
1256 receiving federal funds, the same as though the charter school
1257 system were a school district, if the governing board of the
1258 charter school system has adopted and filed a resolution with



1259 its sponsor ~~sponsoring district school board~~ and the Department
1260 of Education in which the governing board of the charter school
1261 system accepts the full responsibility for all local education
1262 agency requirements and the charter school system meets all of
1263 the following:

- 1264 1. Has all schools located in the same county;
- 1265 2. Has a total enrollment exceeding the total enrollment of
1266 at least one school district in this ~~the~~ state; and
- 1267 3. Has the same governing board.

1268

1269 Such designation does not apply to other provisions unless
1270 specifically provided in law.

1271 (28) RULEMAKING.—The Department of Education, after
1272 consultation with sponsors ~~school districts~~ and charter school
1273 directors, shall recommend that the State Board of Education
1274 adopt rules to implement specific subsections of this section.
1275 Such rules shall require minimum paperwork and shall not limit
1276 charter school flexibility authorized by statute. The State
1277 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1278 and 120.54, to implement a standard charter application form,
1279 standard application form for the replication of charter schools
1280 in a high-performing charter school system, standard evaluation
1281 instrument, and standard charter and charter renewal contracts
1282 in accordance with this section.

1283 Section 5. Paragraph (a) of subsection (1), paragraph (a)
1284 of subsection (2), and paragraph (b) of subsection (3) of
1285 section 1002.331, Florida Statutes, are amended to read:

1286 1002.331 High-performing charter schools.—

1287 (1) A charter school is a high-performing charter school if



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1288 it:

1289 (a)1. Received at least two school grades of "A" and no
1290 school grade below "B," pursuant to s. 1008.34, during each of
1291 the previous 3 school years or received at least two consecutive
1292 school grades of "A" in the most recent 2 school years for the
1293 years that the school received a grade; or

1294 2. Receives, during its first 3 years of operation, funding
1295 through the National Fund of the Charter School Growth Fund, and
1296 has received no school grade lower than a "C," pursuant to s.
1297 1008.34, during each of the previous 3 school years for the
1298 years that the school received a grade.

1299

1300 For purposes of determining initial eligibility, the
1301 requirements of paragraphs (b) and (c) only apply for the most
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 to
1308 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
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 schools within this the state under paragraph (a) at a
1337 time determined by the high-performing charter school 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 (a),
1349 (g), and (h) of subsection (6), and paragraph (d) of subsection
1350 (7) of section 1002.333, Florida Statutes, are amended, and
1351 paragraph (e) is added to subsection (9) of that section, to
1352 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, if requested, for the
1367 purposes of receiving federal funds and, in doing so, accepts
1368 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 in accordance
1373 with the definitions in s. 1011.61 and pursuant to the
1374 department's procedures and timelines.



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
1400 education agency and if the nonprofit submits to each school
1401 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



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1404 revenue, expenditures, and changes in fund balance for the
1405 entity and for its schools of hope within the school district.

1406 b. An annual financial audit of the nonprofit which
1407 includes all schools of hope it operates within this state and
1408 which complies with s. 218.39 regarding audits of a school
1409 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 that the list
1417 contains errors or omissions within 30 days after receipt of the
1418 list. By each April 1, the department shall update and publish a
1419 final list of all underused, vacant, or surplus facilities owned
1420 or operated by each school district, based upon updated
1421 information provided by each school district. A hope operator
1422 establishing a school of hope may use an educational facility
1423 identified in this paragraph at no cost or at a mutually
1424 agreeable cost not to exceed \$600 per student. A hope operator
1425 using a facility pursuant to this paragraph may not sell or
1426 dispose of such facility without the written permission of the
1427 school district. For purposes of this paragraph, the term
1428 “underused, vacant, or surplus facility” means an entire
1429 facility or portion thereof which is not fully used or is used
1430 irregularly or intermittently by the school district for
1431 instructional or program use.

1432 (9) FUNDING.—



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

1442 Section 7. Paragraph (d) of subsection (1) and paragraph
1443 (a) of subsection (2) of section 1002.45, Florida Statutes, are
1444 amended to read:

1445 1002.45 Virtual instruction programs.—

1446 (1) PROGRAM.—

1447 (d) A virtual charter school may provide full-time or part-
1448 time virtual instruction for students in kindergarten through
1449 grade 12 if the virtual charter school has a charter approved
1450 pursuant to s. 1002.33 ~~authorizing full-time virtual~~
1451 ~~instruction~~. A virtual charter school may:

1452 1. Contract with the Florida Virtual School.

1453 2. Contract with an approved provider under subsection (2).

1454 3. Enter into an agreement with a school district to allow
1455 the participation of the virtual charter school's students in
1456 the school district's virtual instruction program. The agreement
1457 must indicate a process for reporting of student enrollment and
1458 the transfer of funds required by paragraph (7) (e).

1459 (2) PROVIDER QUALIFICATIONS.—

1460 (a) The department shall annually publish online a list of
1461 providers approved to offer virtual instruction programs. To be



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1462 approved by the department, a provider must document that it:
1463 1. Is nonsectarian in its programs, admission policies,
1464 employment practices, and operations;
1465 2. Complies with the antidiscrimination provisions of s.
1466 1000.05;
1467 3. Locates an administrative office or offices in this
1468 state, requires its administrative staff to be state residents,
1469 requires all instructional staff to be Florida-certified
1470 teachers under chapter 1012 and conducts background screenings
1471 for all employees or contracted personnel, as required by s.
1472 1012.32, using state and national criminal history records;
1473 4. Provides to parents and students specific information
1474 posted and accessible online that includes, but is not limited
1475 to, the following teacher-parent and teacher-student contact
1476 information for each course:
1477 a. How to contact the instructor via phone, e-mail, or
1478 online messaging tools.
1479 b. How to contact technical support via phone, e-mail, or
1480 online messaging tools.
1481 c. How to contact the administration office via phone, e-
1482 mail, or online messaging tools.
1483 d. Any requirement for regular contact with the instructor
1484 for the course and clear expectations for meeting the
1485 requirement.
1486 e. The requirement that the instructor in each course must,
1487 at a minimum, conduct one contact ~~via phone~~ with the parent and
1488 the student each month;
1489 5. Possesses prior, successful experience offering online
1490 courses to elementary, middle, or high school students as



1491 demonstrated by quantified student learning gains in each
1492 subject area and grade level provided for consideration as an
1493 instructional program option. However, for a provider without
1494 sufficient prior, successful experience offering online courses,
1495 the department may conditionally approve the provider to offer
1496 courses measured pursuant to subparagraph (8) (a)2. Conditional
1497 approval shall be valid for 1 school year only and, based on the
1498 provider's experience in offering the courses, the department
1499 shall determine whether to grant approval to offer a virtual
1500 instruction program;

1501 6. Is accredited by a regional accrediting association as
1502 defined by State Board of Education rule;

1503 7. Ensures instructional and curricular quality through a
1504 detailed curriculum and student performance accountability plan
1505 that addresses every subject and grade level it intends to
1506 provide through contract with the school district, including:

1507 a. Courses and programs that meet the standards of the
1508 International Association for K-12 Online Learning and the
1509 Southern Regional Education Board.

1510 b. Instructional content and services that align with, and
1511 measure student attainment of, student proficiency in the Next
1512 Generation Sunshine State Standards.

1513 c. Mechanisms that determine and ensure that a student has
1514 satisfied requirements for grade level promotion and high school
1515 graduation with a standard diploma, as appropriate;

1516 8. Publishes for the general public, in accordance with
1517 disclosure requirements adopted in rule by the State Board of
1518 Education, as part of its application as a provider and in all
1519 contracts negotiated pursuant to this section:



1520 a. Information and data about the curriculum of each full-
1521 time and part-time program.

1522 b. School policies and procedures.

1523 c. Certification status and physical location of all
1524 administrative and instructional personnel.

1525 d. Hours and times of availability of instructional
1526 personnel.

1527 e. Student-teacher ratios.

1528 f. Student completion and promotion rates.

1529 g. Student, educator, and school performance accountability
1530 outcomes;

1531 9. If the provider is a Florida College System institution,
1532 employs instructors who meet the certification requirements for
1533 instructional staff under chapter 1012; and

1534 10. Performs an annual financial audit of its accounts and
1535 records conducted by an independent certified public accountant
1536 which is in accordance with rules adopted by the Auditor
1537 General, is conducted in compliance with generally accepted
1538 auditing standards, and includes a report on financial
1539 statements presented in accordance with generally accepted
1540 accounting principles.

1541 Section 8. Subsection (2) of section 1002.455, Florida
1542 Statutes, is amended to read:

1543 1002.455 Student eligibility for K-12 virtual instruction.—
1544 All students, including home education and private school
1545 students, are eligible to participate in any of the following
1546 virtual instruction options:

1547 (2) Part-time or full-time virtual charter school
1548 instruction authorized under s. 1002.33 to students within the



1549 school district or to students in other school districts
1550 throughout the state pursuant to s. 1002.31.

1551 Section 9. Section 1003.225, Florida Statutes, is created
1552 to read:

1553 1003.225 Water safety and swimming certification.-

1554 (1) For the purposes of this section, the term "water
1555 safety" means age-appropriate education intended to promote
1556 safety in, on, and around bodies of water and reduce the risk of
1557 injury or drowning.

1558 (2) Beginning with the 2022-2023 school year, each public
1559 school shall provide, to a parent who initially enrolls his or
1560 her child in the school, information on the important role water
1561 safety education courses and swimming lessons play in saving
1562 lives. The information must be provided electronically or in
1563 hard copy and must include local options for age-appropriate
1564 water safety courses and swimming lessons that result in a
1565 certificate indicating successful completion, including courses
1566 and lessons offered for free or at a reduced price. If the
1567 student is 18 years of age or older, or is under the age of 21
1568 and is enrolling in adult education classes, the information
1569 must be provided to the student.

1570 Section 10. Paragraph (a) of subsection (1) of section
1571 1003.493, Florida Statutes, is amended to read:

1572 1003.493 Career and professional academies and career-
1573 themed courses.-

1574 (1) (a) A "career and professional academy" is a research-
1575 based program that integrates a rigorous academic curriculum
1576 with an industry-specific curriculum aligned directly to
1577 priority workforce needs established by the local workforce



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1578 development board or the Department of Economic Opportunity.
1579 Career and professional academies shall be offered by public
1580 schools and school districts. Career and professional academies
1581 may be offered by charter schools. The Florida Virtual School is
1582 encouraged to develop and offer rigorous career and professional
1583 courses as appropriate. Students completing career and
1584 professional academy programs must receive a standard high
1585 school diploma, the highest available industry certification,
1586 and opportunities to earn postsecondary credit if the academy
1587 partners with a postsecondary institution approved to operate in
1588 the state.

1589 Section 11. Paragraph (g) of subsection (2) of section
1590 1003.621, Florida Statutes, is amended to read:

1591 1003.621 Academically high-performing school districts.—It
1592 is the intent of the Legislature to recognize and reward school
1593 districts that demonstrate the ability to consistently maintain
1594 or improve their high-performing status. The purpose of this
1595 section is to provide high-performing school districts with
1596 flexibility in meeting the specific requirements in statute and
1597 rules of the State Board of Education.

1598 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically
1599 high-performing school district shall comply with all of the
1600 provisions in chapters 1000-1013, and rules of the State Board
1601 of Education which implement these provisions, pertaining to the
1602 following:

1603 (g) Those statutes pertaining to planning and budgeting,
1604 including chapter 1011, except s. 1011.62(9)(d), relating to the
1605 requirement for a comprehensive reading plan. A district that is
1606 exempt from submitting a comprehensive reading ~~this~~ plan shall



1607 be deemed approved to receive the research-based reading
1608 instruction allocation. Each academically high-performing school
1609 district may provide up to 2 days of virtual instruction as part
1610 of the required 180 actual teaching days or the equivalent on an
1611 hourly basis each school year, as specified by rules of the
1612 State Board of Education. Virtual instruction that is conducted
1613 in accordance with the plan approved by the department, is
1614 teacher-developed, and is aligned with the standards for
1615 enrolled courses complies with s. 1011.60(2). The day or days
1616 must be indicated on the calendar approved by the school board.
1617 The district shall submit a plan for each day of virtual
1618 instruction to the department for approval, in a format
1619 prescribed by the department, with assurances of alignment to
1620 statewide student standards as described in s. 1003.41 before
1621 the start of each school year.

1622 Section 12. Present subsection (3) of section 1008.3415,
1623 Florida Statutes, is redesignated as subsection (4), and a new
1624 subsection (3) is added to that section, to read:

1625 1008.3415 School grade or school improvement rating for
1626 exceptional student education centers.—

1627 (3) A charter school that is an exceptional student
1628 education center and that receives two consecutive ratings of
1629 “maintaining” or higher may replicate its educational program
1630 under s. 1002.331(3). The Commissioner of Education, upon
1631 request by a charter school, shall verify that the charter
1632 school meets the requirements of this subsection and provide a
1633 letter to the charter school and the sponsor stating that the
1634 charter school may replicate its educational program in the same
1635 manner as a high-performing charter school under s. 1002.331(3).



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1636 Section 13. Present paragraphs (a) through (d) of
1637 subsection (6) of section 1009.30, Florida States, as created by
1638 CS/CS/SB 52, 2021 Regular Session, are redesignated as
1639 paragraphs (b) through (e), respectively, and a new paragraph
1640 (a) is added to that section, to read:

1641 1009.30 Dual Enrollment Scholarship Program.—

1642 (6) (a) School district career centers shall be reimbursed
1643 at the in-state resident tuition rate established in s.
1644 1009.22(3)(c).

1645 Section 14. Subsection (2) of section 1009.52, Florida
1646 Statutes, is amended to read:

1647 1009.52 Florida Postsecondary Student Assistance Grant
1648 Program; eligibility for grants.—

1649 (2) ~~(a)~~ Florida postsecondary student assistance grants may
1650 be made ~~only to full-time degree-seeking~~ students who meet the
1651 general requirements for student eligibility as provided in s.
1652 1009.40, except as otherwise provided in this section. Such
1653 grants shall be awarded for the amount of demonstrated unmet
1654 need for tuition and fees and may not exceed the maximum annual
1655 award amount specified in the General Appropriations Act. A
1656 demonstrated unmet need of less than \$200 shall render the
1657 applicant ineligible for a Florida postsecondary student
1658 assistance grant.

1659 (a) Awards may be made to full-time degree-seeking students
1660 who ~~Recipients of such grants must~~ have been accepted at a
1661 postsecondary institution that is located in this state and that
1662 is:

1663 1. A private nursing diploma school approved by the Florida
1664 Board of Nursing; or



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1665 2. A college or university licensed by the Commission for
1666 Independent Education, excluding those institutions the students
1667 of which are eligible to receive a Florida private student
1668 assistance grant pursuant to s. 1009.51.

1669 (b) Awards may be made to full-time certificate-seeking
1670 students who have been accepted at an aviation maintenance
1671 school that is located in this state, certified by the Federal
1672 Aviation Administration, and licensed by the Commission for
1673 Independent Education. Such student's eligibility for the
1674 renewal of an award shall be evaluated at the end of the
1675 completion of 900 clock hours and, as a condition of renewal,
1676 the student shall meet the requirements under s. 1009.40(1)(b).

1677 (c) If funds are available, a student who received an award
1678 in the fall or spring term may receive an award in the summer
1679 term. Priority in the distribution of summer awards shall be
1680 given to students who are within one semester, or equivalent, of
1681 completing a degree or certificate program. No student may
1682 receive an award for more than the equivalent of 9 semesters or
1683 14 quarters of full-time enrollment, except as otherwise
1684 provided in s. 1009.40(3). A student specified in paragraph (b)
1685 is eligible for an award of up to 110 percent of the number of
1686 clock hours required to complete the program in which the
1687 student is enrolled.

1688 (d) ~~(b)~~ A student applying for a Florida postsecondary
1689 student assistance grant shall be required to apply for the Pell
1690 Grant. The Pell Grant entitlement shall be considered when
1691 conducting an assessment of the financial resources available to
1692 each student.

1693 (e) ~~(e)~~ Priority in the distribution of grant moneys may be



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1694 given to students who are within one semester, or equivalent, of
1695 completing a degree or certificate program. An institution may
1696 not make a grant from this program to a student whose expected
1697 family contribution exceeds one and one-half times the maximum
1698 Pell Grant-eligible family contribution. An institution may not
1699 impose additional criteria to determine a student's eligibility
1700 to receive a grant award.

1701 (f) ~~(d)~~ Each participating institution shall report to the
1702 department by the established date the students eligible for the
1703 program for each academic term. Each institution shall also
1704 report to the department necessary demographic and eligibility
1705 data for such students.

1706 Section 15. Subsection (2) of section 1012.32, Florida
1707 Statutes, is amended to read:

1708 1012.32 Qualifications of personnel.—

1709 (2) (a) Instructional and noninstructional personnel who are
1710 hired or contracted to fill positions that require direct
1711 contact with students in any district school system or
1712 university lab school must, upon employment or engagement to
1713 provide services, undergo background screening as required under
1714 s. 1012.465 or s. 1012.56, whichever is applicable.

1715 (b) 1. Instructional and noninstructional personnel who are
1716 hired or contracted to fill positions in a ~~any~~ charter school
1717 other than a school of hope as defined in s. 1002.333, and
1718 members of the governing board of such ~~any~~ charter school, in
1719 compliance with s. 1002.33(12) (g), ~~must,~~ upon employment,
1720 engagement of services, or appointment, shall undergo background
1721 screening as required under s. 1012.465 or s. 1012.56, whichever
1722 is applicable, by filing with the district school board for the



1723 school district in which the charter school is located a
1724 complete set of fingerprints taken by an authorized law
1725 enforcement agency or an employee of the school or school
1726 district who is trained to take fingerprints.

1727 2. Instructional and noninstructional personnel who are
1728 hired or contracted to fill positions in a school of hope as
1729 defined in s. 1002.333, and members of the governing board of
1730 such school of hope, shall file with the school of hope a
1731 complete set of fingerprints taken by an authorized law
1732 enforcement agency, by an employee of the school of hope or
1733 school district who is trained to take fingerprints, or by any
1734 other entity recognized by the Department of Law Enforcement to
1735 take fingerprints.

1736 (c) Instructional and noninstructional personnel who are
1737 hired or contracted to fill positions that require direct
1738 contact with students in an alternative school that operates
1739 under contract with a district school system must, upon
1740 employment or engagement to provide services, undergo background
1741 screening as required under s. 1012.465 or s. 1012.56, whichever
1742 is applicable, by filing with the district school board for the
1743 school district to which the alternative school is under
1744 contract a complete set of fingerprints taken by an authorized
1745 law enforcement agency or an employee of the school or school
1746 district who is trained to take fingerprints.

1747 (d) Student teachers and persons participating in a field
1748 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
1749 district school system, lab school, or charter school must, upon
1750 engagement to provide services, undergo background screening as
1751 required under s. 1012.56.



1752
1753 Required fingerprints must ~~shall~~ be submitted to the Department
1754 of Law Enforcement for statewide criminal and juvenile records
1755 checks and to the Federal Bureau of Investigation for federal
1756 criminal records checks. A person subject to this subsection who
1757 is found ineligible for employment under s. 1012.315, or
1758 otherwise found through background screening to have been
1759 convicted of any crime involving moral turpitude as defined by
1760 rule of the State Board of Education, shall not be employed,
1761 engaged to provide services, or serve in any position that
1762 requires direct contact with students. Probationary persons
1763 subject to this subsection terminated because of their criminal
1764 record have the right to appeal such decisions. The cost of the
1765 background screening may be borne by the district school board,
1766 the charter school, the employee, the contractor, or a person
1767 subject to this subsection. A district school board shall
1768 reimburse a charter school the cost of background screening if
1769 it does not notify the charter school of the eligibility of a
1770 governing board member or instructional or noninstructional
1771 personnel within the earlier of 14 days after receipt of the
1772 background screening results from the Florida Department of Law
1773 Enforcement or 30 days of submission of fingerprints by the
1774 governing board member or instructional or noninstructional
1775 personnel.

1776 Section 16. Paragraph (a) of subsection (1) of section
1777 1013.62, Florida Statutes, is amended to read:

1778 1013.62 Charter schools capital outlay funding.—

1779 (1) For the 2020-2021 fiscal year, charter school capital
1780 outlay funding shall consist of state funds appropriated in the



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1781 2020-2021 General Appropriations Act. Beginning in fiscal year
1782 2021-2022, charter school capital outlay funding shall consist
1783 of state funds when such funds are appropriated in the General
1784 Appropriations Act and revenue resulting from the discretionary
1785 millage authorized in s. 1011.71(2) if the amount of state funds
1786 appropriated for charter school capital outlay in any fiscal
1787 year is less than the average charter school capital outlay
1788 funds per unweighted full-time equivalent student for the 2018-
1789 2019 fiscal year, multiplied by the estimated number of charter
1790 school students for the applicable fiscal year, and adjusted by
1791 changes in the Consumer Price Index issued by the United States
1792 Department of Labor from the previous fiscal year. Nothing in
1793 this subsection prohibits a school district from distributing to
1794 charter schools funds resulting from the discretionary millage
1795 authorized in s. 1011.71(2).

1796 (a) To be eligible to receive capital outlay funds, a
1797 charter school must:

1798 1.a. Have been in operation for 2 or more years;

1799 b. Be governed by a governing board established in the
1800 state for 2 or more years which operates both charter schools
1801 and conversion charter schools within the state;

1802 c. Be an expanded feeder chain of a charter school within
1803 the same school district that is currently receiving charter
1804 school capital outlay funds;

1805 d. Have been accredited by a regional accrediting
1806 association as defined by State Board of Education rule; ~~or~~

1807 e. Serve students in facilities that are provided by a
1808 business partner for a charter school-in-the-workplace pursuant
1809 to s. 1002.33(15) (b); or



- 1810 f. Be operated by a hope operator pursuant to s. 1002.333.
1811 2. Have an annual audit that does not reveal any of the
1812 financial emergency conditions provided in s. 218.503(1) for the
1813 most recent fiscal year for which such audit results are
1814 available.
1815 3. Have satisfactory student achievement based on state
1816 accountability standards applicable to the charter school.
1817 4. Have received final approval from its sponsor pursuant
1818 to s. 1002.33 for operation during that fiscal year.
1819 5. Serve students in facilities that are not provided by the
1820 charter school's sponsor.

1821 Section 17. (1) Notwithstanding s. 1008.25, Florida
1822 Statutes, a parent or guardian may request that his or her K-5
1823 public school student be retained for the 2021-2022 school year
1824 in the grade level to which the student was assigned at the
1825 beginning of the 2020-2021 school year, provided that such
1826 request is made for academic reasons.

1827 (a) A parent or guardian who wishes for his or her student
1828 to be retained as provided by this act must submit, in writing,
1829 to the school principal a retention request that specifies the
1830 academic reasons for the retention. Only requests received by
1831 the principal on or before June 30, 2021, must be considered. A
1832 principal may consider a request received after that date at his
1833 or her discretion.

1834 (b)1. A principal who considers a retention request
1835 submitted pursuant to this subsection shall inform the student's
1836 teachers of the retention request and collaboratively discuss
1837 with the parent or guardian any basis for agreement or
1838 disagreement with the request. As part of the discussion with



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1839 the parent or guardian, the principal shall disclose that
1840 retention may impact the student's eligibility to participate in
1841 high school interscholastic or intrascholastic sports due to the
1842 student's age.

1843 2. In lieu of retention, the principal, teachers, and
1844 parent or guardian may collaborate to develop a customized 1-
1845 year education plan for the student with the intent of helping
1846 the student return to grade level readiness by the end of the
1847 next academic year. Such plan may include, but need not be
1848 limited to, supplemental educational support, services, and
1849 interventions; summer education; promotion in some, but not all,
1850 courses; and midyear promotion.

1851 3. The parent's or guardian's decision to promote or retain
1852 his or her student after discussing the retention request with
1853 the principal shall control. The parent or guardian must sign a
1854 form provided by the principal indicating the parent or
1855 guardian's decision and acknowledging the academic and athletic
1856 ramifications of his or her decision. This form must be retained
1857 in the student's record.

1858 (c) If a student retained under this subsection has an
1859 individual education plan (IEP) in effect, the student's IEP
1860 team must convene to review and revise the student's IEP, as
1861 appropriate.

1862 (d) By June 30, 2022, school districts shall report to the
1863 Department of Education the number of students retained pursuant
1864 to this act for all or part of the 2021-2022 school year.

1865 (2) This section shall take effect upon becoming a law.

1866 Section 18. If any provision of this act or its application
1867 to any person or circumstance is held invalid, the invalidity



1868 does not affect other provisions or applications of the act
1869 which can be given effect without the invalid provision or
1870 application, and to this end the provisions of this act are
1871 severable.

1872 Section 19. Effective upon this act becoming a law, section
1873 3 of chapter 2020-28, Laws of Florida, is amended to read:

1874 Section 3. This act shall take effect July 1, 2022 ~~2021~~.

1875 Section 20. The amendment of s. 1009.30, Florida Statutes,
1876 by this act shall take effect only if CS/CS/SB 52, 2021 Regular
1877 Session, or similar legislation takes effect and if such
1878 legislation is adopted in the same legislative session or an
1879 extension thereof and becomes a law.

1880 Section 21. Except as otherwise expressly provided in this
1881 act and except for this section, which shall take effect upon
1882 becoming a law, this act shall take effect July 1, 2021.

1883
1884 ===== T I T L E A M E N D M E N T =====

1885 And the title is amended as follows:

1886 Delete lines 1753 - 1853

1887 and insert:

1888 An act relating to education; amending s. 1001.43,
1889 F.S.; authorizing members of certain committees of a
1890 district school board to attend meetings in person or
1891 through the use of telecommunications networks;
1892 amending s. 1002.32, F.S.; providing that the
1893 limitation on lab schools does not apply to a school
1894 serving a military installation; amending s. 1002.321,
1895 F.S.; conforming a provision to changes made by the
1896 act; amending s. 1002.33, F.S.; authorizing state



1897 universities and Florida College System institutions
1898 to solicit applications and sponsor charter schools
1899 under certain circumstances; prohibiting certain
1900 charter schools from being sponsored by a Florida
1901 College System institution until such charter schools'
1902 existing charter expires; authorizing a state
1903 university or Florida College System institution to,
1904 at its discretion, deny an application for a charter
1905 school; revising the contents of an annual report that
1906 charter school sponsors must provide to the Department
1907 of Education; revising the date by which the
1908 department must post a specified annual report;
1909 revising provisions relating to Florida College System
1910 institutions that are operating charter schools;
1911 prohibiting certain interlocal agreements; requiring
1912 the board of trustees of a state university or Florida
1913 College System institution that is sponsoring a
1914 charter school to serve as the local educational
1915 agency for such school; prohibiting certain charter
1916 school students from being included in specified
1917 school district grade calculations; requiring the
1918 department to develop a sponsor evaluation framework;
1919 providing requirements for the framework; requiring
1920 the department to compile results in a specified
1921 manner; deleting obsolete language; revising
1922 requirements for the charter school application
1923 process; requiring certain school districts to reduce
1924 administrative fees withheld; requiring such school
1925 districts to file monthly reports; authorizing school



1926 districts to resume withholding the full amount of
1927 administrative fees under specified circumstance;
1928 authorizing certain charter schools to recover
1929 attorney fees and costs; requiring the State Board of
1930 Education to withhold state funds from a district
1931 school board that is in violation of a state board
1932 decision on a charter school; authorizing parties to
1933 appeal without first mediating in certain
1934 circumstances; providing that certain changes to
1935 curriculum are deemed approved; providing an
1936 exception; revising the circumstances in which a
1937 charter may be immediately terminated; providing that
1938 certain information must be provided to specified
1939 entities upon immediate termination of a charter;
1940 authorizing the award of specified fees and costs in
1941 certain circumstances; authorizing a sponsor to seek
1942 an injunction in certain circumstances; revising
1943 provisions related to sponsor assumption of operation;
1944 revising the student populations for which a charter
1945 school is authorized to limit the enrollment process;
1946 providing a calculation for the operational funding
1947 for a charter school sponsored by a state university
1948 or Florida College System institution; requiring the
1949 department to develop a tool for state universities
1950 and Florida College System institutions for specified
1951 purposes relating to certain funding calculations;
1952 providing that such funding must be appropriated to
1953 the charter school; providing for capital outlay
1954 funding for such schools; authorizing a sponsor to



1955 withhold an administrative fee for the provision of
1956 certain services to an exceptional student education
1957 center that meets specified requirements; conforming
1958 provisions to changes made by the act; amending s.
1959 1002.331, F.S.; revising requirements for a charter
1960 school to be a high-performing charter school;
1961 revising a limitation on the expansion of high-
1962 performing charter schools; revising provisions
1963 relating to the opening of additional high-performing
1964 charter schools; amending s. 1002.333, F.S.; revising
1965 the definition of the term "persistently low-
1966 performing school"; providing that certain nonprofit
1967 entities may be designated as a local education
1968 agency; providing that certain entities report
1969 students to the department in a specified manner;
1970 specifying reporting provisions that apply only to
1971 certain schools of hope; providing that schools of
1972 hope may comply with certain financial reporting in a
1973 specified manner; revising the manner in which
1974 underused, vacant, or surplus facilities owned or
1975 operated by school districts are identified;
1976 authorizing a nonprofit entity designated as a local
1977 education agency to use any capital assets identified
1978 in a certain annual financial audit for another school
1979 of hope operated by the local education agency within
1980 the same district; amending s. 1002.45, F.S.;
1981 authorizing a virtual charter school to provide part-
1982 time virtual instruction; amending s. 1002.455, F.S.;
1983 conforming a provision to changes made by the act;



1984 creating s. 1003.225, F.S.; defining the term "water
1985 safety"; requiring public schools to provide specified
1986 information to certain parents or students; amending
1987 s. 1003.493, F.S.; authorizing a charter school to
1988 offer a career and professional academy; amending s.
1989 1003.621, F.S.; authorizing academically high-
1990 performing school districts to provide up to 2 days of
1991 virtual instruction; specifying requirements for such
1992 virtual instruction for such virtual instruction to
1993 comply with a specified provision; amending s.
1994 1008.3415, F.S.; requiring the Commissioner of
1995 Education, upon request by a charter school that meets
1996 specified criteria, to provide a letter to the charter
1997 school and the charter school's sponsor authorizing
1998 the charter school to replicate its educational
1999 program; amending s. 1009.30, F.S.; specifying
2000 reimbursement for specified educational institutions;
2001 amending s. 1009.52, F.S.; revising the eligibility
2002 requirements for Florida postsecondary student
2003 assistance grants; amending s. 1012.32, F.S.;
2004 providing an alternate screening method for specified
2005 persons employed by certain schools of hope or serving
2006 on certain school of hope governing boards; amending
2007 s. 1013.62, F.S.; expanding eligibility to receive
2008 capital outlay funds to schools of hope operated by a
2009 hope operator; authorizing a parent or guardian to
2010 request that his or her K-5 student be retained in a
2011 grade level for academic reasons for a specified
2012 school year; requiring that such a request be



2013 submitted in a specified manner; requiring school
2014 principals to consider such requests if they are
2015 timely received; authorizing school principals to
2016 consider requests that are not timely received;
2017 requiring a school principal who considers a request
2018 for retention to inform the student's teachers of the
2019 request and collaboratively discuss with the parent or
2020 guardian any basis for agreement or disagreement with
2021 the request; requiring such discussion to disclose
2022 that retention may impact the student's eligibility to
2023 participate in high school interscholastic or
2024 intrascholastic sports; authorizing the principal,
2025 teachers, and parent or guardian to collaborate to
2026 develop a customized 1-year education plan for the
2027 student in lieu of retaining the student; requiring a
2028 parent's or guardian's decision regarding retention to
2029 control; requiring the individual education plan (IEP)
2030 team for a retained student to review and revise the
2031 student's IEP, as appropriate; requiring school
2032 districts to report certain data to the Department of
2033 Education by a specified date; providing for
2034 severability; amending chapter 2020-28, Laws of
2035 Florida; delaying the effective date of provisions
2036 governing intercollegiate athlete compensation and
2037 rights; providing a contingent effect; providing
2038 effective dates.