

Amendment No.

CHAMBER ACTION

Senate

House

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Representative McClain offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

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

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

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

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

18 1002.32 Developmental research (laboratory) schools.—

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

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

45 Section 3. Paragraph (d) of subsection (4) of section  
46 1002.321, Florida Statutes, is amended to read:

47 1002.321 Digital learning.—

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

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

54 Section 4. Subsection (1), paragraph (c) of subsection  
55 (2), subsection (5), paragraphs (b) and (d) of subsection (6),  
56 paragraphs (a), (b), and (d) of subsection (7), paragraphs (c),  
57 (d) and (e) of subsection (8), paragraphs (g) and (n) of  
58 subsection (9), paragraphs (d) and (e) of subsection (10),  
59 subsection (14), paragraph (c) of subsection (15), subsection  
60 (17), paragraph (e) of subsection (18), subsections (20) and  
61 (21), paragraph (a) of subsection (25), and subsection (28) of  
62 section 1002.33, Florida Statutes, are amended to read:

63 1002.33 Charter schools.—

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64 (1) AUTHORIZATION.—All charter schools in Florida are  
65 public schools and shall be part of the state's program of  
66 public education. A charter school may be formed by creating a  
67 new school or converting an existing public school to charter  
68 status. A charter school may operate a virtual charter school  
69 pursuant to s. 1002.45(1)(d) to provide ~~full-time~~ online  
70 instruction to students, pursuant to s. 1002.455, in  
71 kindergarten through grade 12. The school district in which the  
72 student enrolls in the virtual charter school shall report the  
73 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
74 the home school district shall not report the student for  
75 funding. An existing charter school that is seeking to become a  
76 virtual charter school must amend its charter or submit a new  
77 application pursuant to subsection (6) to become a virtual  
78 charter school. A virtual charter school is subject to the  
79 requirements of this section; however, a virtual charter school  
80 is exempt from subsections (18) and (19), paragraph (20)(c), and  
81 s. 1003.03. A public school may not use the term charter in its  
82 name unless it has been approved under this section.

83 (2) GUIDING PRINCIPLES; PURPOSE.—

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

85 1. Create innovative measurement tools.

86 2. Provide rigorous competition within the public school  
87 system ~~district~~ to stimulate continual improvement in all public  
88 schools.

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

90 4. Mitigate the educational impact created by the  
91 development of new residential dwelling units.

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

94 (5) SPONSOR; DUTIES.—

95 (a) Sponsoring entities.—

96 1. A district school board may sponsor a charter school in  
97 the county over which the district school board has  
98 jurisdiction.

99 2. A state university may grant a charter to a lab school  
100 created under s. 1002.32 and shall be considered to be the  
101 school's sponsor. Such school shall be considered a charter lab  
102 school.

103 3. Because needs relating to educational capacity,  
104 workforce qualifications, and career education opportunities are  
105 constantly changing and extend beyond school district  
106 boundaries:

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

111 b. A Florida College System institution may, upon approval  
112 by the Department of Education, solicit applications and sponsor  
113 a charter school in any county within its service area to meet

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114 workforce demands and may offer postsecondary programs leading  
115 to industry certifications to eligible charter school students.  
116 A charter school established under subparagraph (b)4. may not be  
117 sponsored by a Florida College System institution until its  
118 existing charter with the school district expires as provided  
119 under subsection (7).

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

123 (b) Sponsor duties.—

124 1.a. The sponsor shall monitor and review the charter  
125 school in its progress toward the goals established in the  
126 charter.

127 b. The sponsor shall monitor the revenues and expenditures  
128 of the charter school and perform the duties provided in s.  
129 1002.345.

130 c. The sponsor may approve a charter for a charter school  
131 before the applicant has identified space, equipment, or  
132 personnel, if the applicant indicates approval is necessary for  
133 it to raise working funds.

134 d. The sponsor shall not apply its policies to a charter  
135 school unless mutually agreed to by both the sponsor and the  
136 charter school. If the sponsor subsequently amends any agreed-  
137 upon sponsor policy, the version of the policy in effect at the  
138 time of the execution of the charter, or any subsequent

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139 modification thereof, shall remain in effect and the sponsor may  
140 not hold the charter school responsible for any provision of a  
141 newly revised policy until the revised policy is mutually agreed  
142 upon.

143 e. The sponsor shall ensure that the charter is innovative  
144 and consistent with the state education goals established by s.  
145 1000.03(5).

146 f. The sponsor shall ensure that the charter school  
147 participates in the state's education accountability system. If  
148 a charter school falls short of performance measures included in  
149 the approved charter, the sponsor shall report such shortcomings  
150 to the Department of Education.

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

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

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

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

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

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

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

169 (A)~~(B)~~ The number of ~~final~~ applications received on or  
170 before February ~~August~~ 1 and each applicant's contact  
171 information.

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

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

175 (II) Annually, by November 1 ~~Beginning August 31, 2013,~~  
176 ~~and each year thereafter,~~ the sponsor shall submit to the  
177 department the information for the applications submitted the  
178 previous year.

179 (III) The department shall compile an annual report, by  
180 sponsor district, and post the report on its website by January  
181 15 ~~November 1~~ of each year.

182 2. Immunity for the sponsor of a charter school under  
183 subparagraph 1. applies only with respect to acts or omissions  
184 not under the sponsor's direct authority as described in this  
185 section.

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

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188 4. A Florida College System institution may work with the  
189 school district or school districts in its designated service  
190 area to develop charter schools that offer secondary education.  
191 These charter schools must include an option for students to  
192 receive an associate degree upon high school graduation. If a  
193 Florida College System institution operates an approved teacher  
194 preparation program under s. 1004.04 or s. 1004.85, the  
195 institution may operate ~~no more than one~~ charter schools ~~school~~  
196 that serve ~~serves~~ students in kindergarten through grade 12 in  
197 any school district within the service area of the institution.  
198 ~~In kindergarten through grade 8, the charter school shall~~  
199 ~~implement innovative blended learning instructional models in~~  
200 ~~which, for a given course, a student learns in part through~~  
201 ~~online delivery of content and instruction with some element of~~  
202 ~~student control over time, place, path, or pace and in part at a~~  
203 ~~supervised brick-and-mortar location away from home. A student~~  
204 ~~in a blended learning course must be a full-time student of the~~  
205 ~~charter school and receive the online instruction in a classroom~~  
206 ~~setting at the charter school.~~ District school boards shall  
207 cooperate with and assist the Florida College System institution  
208 on the charter application. Florida College System institution  
209 applications for charter schools are not subject to the time  
210 deadlines outlined in subsection (6) and may be approved by the  
211 district school board at any time during the year. Florida  
212 College System institutions may not report FTE for any students

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213 participating under this subparagraph who receive FTE funding  
214 through the Florida Education Finance Program.

215 5. For purposes of assisting the development of a charter  
216 school, a school district may enter into nonexclusive interlocal  
217 agreements with federal and state agencies, counties,  
218 municipalities, and other governmental entities that operate  
219 within the geographical borders of the school district to act on  
220 behalf of such governmental entities in the inspection,  
221 issuance, and other necessary activities for all necessary  
222 permits, licenses, and other permissions that a charter school  
223 needs in order for development, construction, or operation. A  
224 charter school may use, but may not be required to use, a school  
225 district for these services. The interlocal agreement must  
226 include, but need not be limited to, the identification of fees  
227 that charter schools will be charged for such services. The fees  
228 must consist of the governmental entity's fees plus a fee for  
229 the school district to recover no more than actual costs for  
230 providing such services. These services and fees are not  
231 included within the services to be provided pursuant to  
232 subsection (20). Notwithstanding any other provision of law, an  
233 interlocal agreement between a school district and a federal or  
234 state agency, county, municipality, or other governmental entity  
235 that prohibits or limits the creation of a charter school within  
236 the geographical borders of the school district is void and  
237 unenforceable.

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238       6. The board of trustees of a sponsoring state university  
239 or Florida College System institution under paragraph (a) is the  
240 local educational agency for all charter schools it sponsors for  
241 purposes of receiving federal funds and accepts full  
242 responsibility for all local educational agency requirements and  
243 the schools for which it will perform local educational agency  
244 responsibilities. A student enrolled in a charter school that is  
245 sponsored by a state university or Florida College System  
246 institution may not be included in the calculation of the school  
247 district's grade under s. 1008.34(5) for the school district in  
248 which he or she resides.

249       (c) Sponsor accountability.—

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

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

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

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

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

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

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

266 (b) A sponsor shall receive and review all applications  
267 for a charter school using the evaluation instrument developed  
268 by the Department of Education. ~~A sponsor shall receive and~~  
269 ~~consider charter school applications received on or before~~  
270 ~~August 1 of each calendar year for charter schools to be opened~~  
271 ~~at the beginning of the school district's next school year, or~~  
272 ~~to be opened at a time agreed to by the applicant and the~~  
273 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
274 ~~application submitted before August 1 and may receive an~~  
275 ~~application submitted later than August 1 if it chooses.~~  
276 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
277 consider charter school applications received on or before  
278 February 1 of each calendar year for charter schools to be  
279 opened 18 months later at the beginning of the ~~school district's~~  
280 school year, or to be opened at a time determined by the  
281 applicant. A sponsor may not refuse to receive a charter school  
282 application submitted before February 1 and may receive an  
283 application submitted later than February 1 if it chooses. A  
284 sponsor may not charge an applicant for a charter any fee for  
285 the processing or consideration of an application, and a sponsor

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286 may not base its consideration or approval of a final  
287 application upon the promise of future payment of any kind.  
288 Before approving or denying any application, the sponsor shall  
289 allow the applicant, upon receipt of written notification, at  
290 least 7 calendar days to make technical or nonsubstantive  
291 corrections and clarifications, including, but not limited to,  
292 corrections of grammatical, typographical, and like errors or  
293 missing signatures, if such errors are identified by the sponsor  
294 as cause to deny the final application.

295 1. In order to facilitate an accurate budget projection  
296 process, a sponsor shall be held harmless for FTE students who  
297 are not included in the FTE projection due to approval of  
298 charter school applications after the FTE projection deadline.  
299 In a further effort to facilitate an accurate budget projection,  
300 within 15 calendar days after receipt of a charter school  
301 application, a sponsor shall report to the Department of  
302 Education the name of the applicant entity, the proposed charter  
303 school location, and its projected FTE.

304 2. In order to ensure fiscal responsibility, an  
305 application for a charter school shall include a full accounting  
306 of expected assets, a projection of expected sources and amounts  
307 of income, including income derived from projected student  
308 enrollments and from community support, and an expense  
309 projection that includes full accounting of the costs of  
310 operation, including start-up costs.

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311           3.a. A sponsor shall by a majority vote approve or deny an  
312 application no later than 90 calendar days after the application  
313 is received, unless the sponsor and the applicant mutually agree  
314 in writing to temporarily postpone the vote to a specific date,  
315 at which time the sponsor shall by a majority vote approve or  
316 deny the application. If the sponsor fails to act on the  
317 application, an applicant may appeal to the State Board of  
318 Education as provided in paragraph (c). If an application is  
319 denied, the sponsor shall, within 10 calendar days after such  
320 denial, articulate in writing the specific reasons, based upon  
321 good cause, supporting its denial of the application and shall  
322 provide the letter of denial and supporting documentation to the  
323 applicant and to the Department of Education.

324           b. An application submitted by a high-performing charter  
325 school identified pursuant to s. 1002.331 or a high-performing  
326 charter school system identified pursuant to s. 1002.332 may be  
327 denied by the sponsor only if the sponsor demonstrates by clear  
328 and convincing evidence that:

329           (I) The application of a high-performing charter school  
330 does not materially comply with the requirements in paragraph  
331 (a) or, for a high-performing charter school system, the  
332 application does not materially comply with s. 1002.332(2)(b);

333           (II) The charter school proposed in the application does  
334 not materially comply with the requirements in paragraphs  
335 (9)(a)-(f);

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

339 (IV) The applicant has made a material misrepresentation  
340 or false statement or concealed an essential or material fact  
341 during the application process; or

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

345  
346 Material noncompliance is a failure to follow requirements or a  
347 violation of prohibitions applicable to charter school  
348 applications, which failure is quantitatively or qualitatively  
349 significant either individually or when aggregated with other  
350 noncompliance. An applicant is considered to be replicating a  
351 high-performing charter school if the proposed school is  
352 substantially similar to at least one of the applicant's high-  
353 performing charter schools and the organization or individuals  
354 involved in the establishment and operation of the proposed  
355 school are significantly involved in the operation of replicated  
356 schools.

357 c. If the sponsor denies an application submitted by a  
358 high-performing charter school or a high-performing charter  
359 school system, the sponsor must, within 10 calendar days after  
360 such denial, state in writing the specific reasons, based upon

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361 the criteria in sub-subparagraph b., supporting its denial of  
362 the application and must provide the letter of denial and  
363 supporting documentation to the applicant and to the Department  
364 of Education. The applicant may appeal the sponsor's denial of  
365 the application in accordance with paragraph (c).

366 4. For budget projection purposes, the sponsor shall  
367 report to the Department of Education the approval or denial of  
368 an application within 10 calendar days after such approval or  
369 denial. In the event of approval, the report to the Department  
370 of Education shall include the final projected FTE for the  
371 approved charter school.

372 ~~5. Upon approval of an application, the initial startup~~  
373 ~~shall commence with the beginning of the public school calendar~~  
374 ~~for the district in which the charter is granted.~~ A charter  
375 school may defer the opening of the school's operations for up  
376 to 3 years to provide time for adequate facility planning. The  
377 charter school must provide written notice of such intent to the  
378 sponsor and the parents of enrolled students at least 30  
379 calendar days before the first day of school.

380 (d)1. The sponsor shall act upon the decision of the State  
381 Board of Education within 30 calendar days after it is received.  
382 The State Board of Education's decision is a final action  
383 subject to judicial review in the district court of appeal. A  
384 prevailing party may file an action with the Division of  
385 Administrative Hearings to recover reasonable attorney fees and

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386 costs incurred during the denial of the application and any  
387 appeals.

388 2. A school district that fails to implement the decision  
389 affirmed by a district court of appeal shall reduce the  
390 administrative fees withheld pursuant to subsection (20) to 1  
391 percent for all charter schools operating in the school  
392 district. Such school districts shall file a monthly report  
393 detailing the reduction in the amount of administrative fees  
394 withheld. Upon execution of the charter, the sponsor may resume  
395 withholding the full amount of administrative fees but may not  
396 recover any fees that would have otherwise accrued during the  
397 period of noncompliance. Any charter school that had  
398 administrative fees withheld in violation of this paragraph may  
399 recover attorney fees and costs to enforce the requirements of  
400 this paragraph.

401 (7) CHARTER.—The terms and conditions for the operation of  
402 a charter school shall be set forth by the sponsor and the  
403 applicant in a written contractual agreement, called a charter.  
404 The sponsor and the governing board of the charter school shall  
405 use the standard charter contract pursuant to subsection (21),  
406 which shall incorporate the approved application and any addenda  
407 approved with the application. Any term or condition of a  
408 proposed charter contract that differs from the standard charter  
409 contract adopted by rule of the State Board of Education shall  
410 be presumed a limitation on charter school flexibility. The

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411 sponsor may not impose unreasonable rules or regulations that  
412 violate the intent of giving charter schools greater flexibility  
413 to meet educational goals. The charter shall be signed by the  
414 governing board of the charter school and the sponsor, following  
415 a public hearing to ensure community input.

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

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

420 2. The focus of the curriculum, the instructional methods  
421 to be used, any distinctive instructional techniques to be  
422 employed, and identification and acquisition of appropriate  
423 technologies needed to improve educational and administrative  
424 performance which include a means for promoting safe, ethical,  
425 and appropriate uses of technology which comply with legal and  
426 professional standards.

427 a. The charter shall ensure that reading is a primary  
428 focus of the curriculum and that resources are provided to  
429 identify and provide specialized instruction for students who  
430 are reading below grade level. The curriculum and instructional  
431 strategies for reading must be consistent with the Next  
432 Generation Sunshine State Standards and grounded in  
433 scientifically based reading research.

434 b. In order to provide students with access to diverse  
435 instructional delivery models, to facilitate the integration of

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436 technology within traditional classroom instruction, and to  
437 provide students with the skills they need to compete in the  
438 21st century economy, the Legislature encourages instructional  
439 methods for blended learning courses consisting of both  
440 traditional classroom and online instructional techniques.  
441 Charter schools may implement blended learning courses which  
442 combine traditional classroom instruction and virtual  
443 instruction. Students in a blended learning course must be full-  
444 time students of the charter school pursuant to s.  
445 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
446 1012.55 who provide virtual instruction for blended learning  
447 courses may be employees of the charter school or may be under  
448 contract to provide instructional services to charter school  
449 students. At a minimum, such instructional personnel must hold  
450 an active state or school district adjunct certification under  
451 s. 1012.57 for the subject area of the blended learning course.  
452 The funding and performance accountability requirements for  
453 blended learning courses are the same as those for traditional  
454 courses.

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

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

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461 b. How these baseline rates will be compared to rates of  
462 academic progress achieved by these same students while  
463 attending the charter school.

464 c. To the extent possible, how these rates of progress  
465 will be evaluated and compared with rates of progress of other  
466 closely comparable student populations.

467  
468 A The district school board is required to provide academic  
469 student performance data to charter schools for each of their  
470 students coming from the district school system, as well as  
471 rates of academic progress of comparable student populations in  
472 the district school system.

473 4. The methods used to identify the educational strengths  
474 and needs of students and how well educational goals and  
475 performance standards are met by students attending the charter  
476 school. The methods shall provide a means for the charter school  
477 to ensure accountability to its constituents by analyzing  
478 student performance data and by evaluating the effectiveness and  
479 efficiency of its major educational programs. Students in  
480 charter schools shall, at a minimum, participate in the  
481 statewide assessment program created under s. 1008.22.

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

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

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

490           8. The ways by which the school will achieve a  
491 racial/ethnic balance reflective of the community it serves or  
492 within the racial/ethnic range of other nearby public schools ~~in~~  
493 ~~the same school district.~~

494           9. The financial and administrative management of the  
495 school, including a reasonable demonstration of the professional  
496 experience or competence of those individuals or organizations  
497 applying to operate the charter school or those hired or  
498 retained to perform such professional services and the  
499 description of clearly delineated responsibilities and the  
500 policies and practices needed to effectively manage the charter  
501 school. A description of internal audit procedures and  
502 establishment of controls to ensure that financial resources are  
503 properly managed must be included. Both public sector and  
504 private sector professional experience shall be equally valid in  
505 such a consideration.

506           10. The asset and liability projections required in the  
507 application which are incorporated into the charter and shall be  
508 compared with information provided in the annual report of the  
509 charter school.

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510 11. A description of procedures that identify various  
511 risks and provide for a comprehensive approach to reduce the  
512 impact of losses; plans to ensure the safety and security of  
513 students and staff; plans to identify, minimize, and protect  
514 others from violent or disruptive student behavior; and the  
515 manner in which the school will be insured, including whether or  
516 not the school will be required to have liability insurance,  
517 and, if so, the terms and conditions thereof and the amounts of  
518 coverage.

519 12. The term of the charter which shall provide for  
520 cancellation of the charter if insufficient progress has been  
521 made in attaining the student achievement objectives of the  
522 charter and if it is not likely that such objectives can be  
523 achieved before expiration of the charter. The initial term of a  
524 charter shall be for 5 years, excluding 2 planning years. In  
525 order to facilitate access to long-term financial resources for  
526 charter school construction, charter schools that are operated  
527 by a municipality or other public entity as provided by law are  
528 eligible for up to a 15-year charter, subject to approval by the  
529 sponsor ~~district school board~~. A charter lab school is eligible  
530 for a charter for a term of up to 15 years. In addition, to  
531 facilitate access to long-term financial resources for charter  
532 school construction, charter schools that are operated by a  
533 private, not-for-profit, s. 501(c)(3) status corporation are  
534 eligible for up to a 15-year charter, subject to approval by the

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535 sponsor ~~district school board~~. Such long-term charters remain  
536 subject to annual review and may be terminated during the term  
537 of the charter, but only according to the provisions set forth  
538 in subsection (8).

539 13. The facilities to be used and their location. The  
540 sponsor may not require a charter school to have a certificate  
541 of occupancy or a temporary certificate of occupancy for such a  
542 facility earlier than 15 calendar days before the first day of  
543 school.

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

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

550 16. A timetable for implementing the charter which  
551 addresses the implementation of each element thereof and the  
552 date by which the charter shall be awarded in order to meet this  
553 timetable.

554 17. In the case of an existing public school that is being  
555 converted to charter status, alternative arrangements for  
556 current students who choose not to attend the charter school and  
557 for current teachers who choose not to teach in the charter  
558 school after conversion in accordance with the existing  
559 collective bargaining agreement or district school board rule in

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560 the absence of a collective bargaining agreement. However,  
561 alternative arrangements shall not be required for current  
562 teachers who choose not to teach in a charter lab school, except  
563 as authorized by the employment policies of the state university  
564 which grants the charter to the lab school.

565 18. Full disclosure of the identity of all relatives  
566 employed by the charter school who are related to the charter  
567 school owner, president, chairperson of the governing board of  
568 directors, superintendent, governing board member, principal,  
569 assistant principal, or any other person employed by the charter  
570 school who has equivalent decisionmaking authority. For the  
571 purpose of this subparagraph, the term "relative" means father,  
572 mother, son, daughter, brother, sister, uncle, aunt, first  
573 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
574 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
575 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
576 stepsister, half brother, or half sister.

577 19. Implementation of the activities authorized under s.  
578 1002.331 by the charter school when it satisfies the eligibility  
579 requirements for a high-performing charter school. A high-  
580 performing charter school shall notify its sponsor in writing by  
581 March 1 if it intends to increase enrollment or expand grade  
582 levels the following school year. The written notice shall  
583 specify the amount of the enrollment increase and the grade  
584 levels that will be added, as applicable.

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585 (b) The sponsor has 30 days after approval of the  
586 application to provide an initial proposed charter contract to  
587 the charter school. The applicant and the sponsor have 40 days  
588 thereafter to negotiate and notice the charter contract for  
589 final approval by the sponsor unless both parties agree to an  
590 extension. The proposed charter contract shall be provided to  
591 the charter school at least 7 calendar days before the date of  
592 the meeting at which the charter is scheduled to be voted upon  
593 by the sponsor. The Department of Education shall provide  
594 mediation services for any dispute regarding this section  
595 subsequent to the approval of a charter application and for any  
596 dispute relating to the approved charter, except a dispute  
597 regarding a charter school application denial. If either the  
598 charter school or the sponsor indicates in writing that the  
599 party does not desire to settle any dispute arising under this  
600 section through mediation procedures offered by the Department  
601 of Education, a charter school may immediately appeal any formal  
602 or informal decision by the sponsor to an administrative law  
603 judge appointed by the Division of Administrative Hearings. If  
604 the Commissioner of Education determines that the dispute cannot  
605 be settled through mediation, the dispute may also be appealed  
606 to an administrative law judge appointed by the Division of  
607 Administrative Hearings. The administrative law judge has final  
608 order authority to rule on issues of equitable treatment of the  
609 charter school as a public school, whether proposed provisions

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610 of the charter violate the intended flexibility granted charter  
611 schools by statute, or any other matter regarding this section,  
612 except a dispute regarding charter school application denial, a  
613 charter termination, or a charter nonrenewal. The administrative  
614 law judge shall award the prevailing party reasonable attorney  
615 fees and costs incurred during the mediation process,  
616 administrative proceeding, and any appeals, to be paid by the  
617 party whom the administrative law judge rules against.

618 (d) A charter may be modified during its initial term or  
619 any renewal term upon the recommendation of the sponsor or the  
620 charter school's governing board and the approval of both  
621 parties to the agreement. Changes to curriculum that are  
622 consistent with state standards shall be deemed approved unless  
623 the sponsor and the Department of Education determines in  
624 writing that the curriculum is inconsistent with state  
625 standards. Modification during any term may include, but is not  
626 limited to, consolidation of multiple charters into a single  
627 charter if the charters are operated under the same governing  
628 board, regardless of the renewal cycle. A charter school that is  
629 not subject to a school improvement plan and that closes as part  
630 of a consolidation shall be reported by the sponsor ~~school~~  
631 ~~district~~ as a consolidation.

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

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

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635 demonstrating ~~indicating~~ that an immediate and serious danger to  
636 the health, safety, or welfare of the charter school's students  
637 exists, that the immediate and serious danger is likely to  
638 continue, and that an immediate termination of the charter is  
639 necessary. The sponsor's determination is subject to the  
640 procedures set forth in paragraph (b), except that the hearing  
641 may take place after the charter has been terminated. The  
642 sponsor shall notify in writing the charter school's governing  
643 board, the charter school principal, and the department of the  
644 facts and circumstances supporting the immediate termination ~~if~~  
645 ~~a charter is terminated immediately~~. The sponsor shall clearly  
646 identify the specific issues that resulted in the immediate  
647 termination and provide evidence of prior notification of issues  
648 resulting in the immediate termination, if applicable ~~when~~  
649 ~~appropriate~~. Upon receiving written notice from the sponsor, the  
650 charter school's governing board has 10 calendar days to request  
651 a hearing. A requested hearing must be expedited and the final  
652 order must be issued within 60 days after the date of request.  
653 The administrative law judge shall award reasonable attorney  
654 fees and costs to the prevailing party of any injunction,  
655 administrative proceeding, or appeal. The sponsor may seek an  
656 injunction in the circuit court in which the charter school is  
657 located to enjoin continued operation of the charter school if  
658 ~~shall assume operation of the charter school throughout the~~  
659 ~~pendency of the hearing under paragraph (b) unless the continued~~

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660 operation ~~of the charter school~~ would materially threaten the  
661 health, safety, or welfare of the students. ~~Failure by the~~  
662 ~~sponsor to assume and continue operation of the charter school~~  
663 ~~shall result in the awarding of reasonable costs and attorney's~~  
664 ~~fees to the charter school if the charter school prevails on~~  
665 ~~appeal.~~

666 (d) When a charter is not renewed or is terminated, the  
667 school shall be dissolved under the provisions of law under  
668 which the school was organized, and any unencumbered public  
669 funds, except for capital outlay funds and federal charter  
670 school program grant funds, from the charter school shall revert  
671 to the sponsor. Capital outlay funds provided pursuant to s.  
672 1013.62 and federal charter school program grant funds that are  
673 unencumbered shall revert to the department to be redistributed  
674 among eligible charter schools. In the event a charter school is  
675 dissolved or is otherwise terminated, all sponsor ~~district~~  
676 ~~school board~~ property and improvements, furnishings, and  
677 equipment purchased with public funds shall automatically revert  
678 to full ownership by the sponsor ~~district school board~~, subject  
679 to complete satisfaction of any lawful liens or encumbrances.  
680 Any unencumbered public funds from the charter school, ~~district~~  
681 ~~school board~~ property and improvements, furnishings, and  
682 equipment purchased with public funds, or financial or other  
683 records pertaining to the charter school, in the possession of  
684 any person, entity, or holding company, other than the charter

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685 school, shall be held in trust upon the sponsor's ~~district~~  
686 ~~school board's~~ request, until any appeal status is resolved.

687 (e) If a charter is not renewed or is terminated, the  
688 charter school is responsible for all debts of the charter  
689 school. The sponsor ~~district~~ may not assume the debt from any  
690 contract made between the governing body of the school and a  
691 third party, except for a debt that is previously detailed and  
692 agreed upon in writing by both the sponsor ~~district~~ and the  
693 governing body of the school and that may not reasonably be  
694 assumed to have been satisfied by the sponsor ~~district~~.

695 (9) CHARTER SCHOOL REQUIREMENTS.—

696 (g)1. In order to provide financial information that is  
697 comparable to that reported for other public schools, charter  
698 schools are to maintain all financial records that constitute  
699 their accounting system:

700 a. In accordance with the accounts and codes prescribed in  
701 the most recent issuance of the publication titled "Financial  
702 and Program Cost Accounting and Reporting for Florida Schools";  
703 or

704 b. At the discretion of the charter school's governing  
705 board, a charter school may elect to follow generally accepted  
706 accounting standards for not-for-profit organizations, but must  
707 reformat this information for reporting according to this  
708 paragraph.

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709           2. Charter schools shall provide annual financial report  
710 and program cost report information in the state-required  
711 formats for inclusion in sponsor ~~district~~ reporting in  
712 compliance with s. 1011.60(1). Charter schools that are operated  
713 by a municipality or are a component unit of a parent nonprofit  
714 organization may use the accounting system of the municipality  
715 or the parent but must reformat this information for reporting  
716 according to this paragraph.

717           3. A charter school shall, upon approval of the charter  
718 contract, provide the sponsor with a concise, uniform, monthly  
719 financial statement summary sheet that contains a balance sheet  
720 and a statement of revenue, expenditures, and changes in fund  
721 balance. The balance sheet and the statement of revenue,  
722 expenditures, and changes in fund balance shall be in the  
723 governmental funds format prescribed by the Governmental  
724 Accounting Standards Board. A high-performing charter school  
725 pursuant to s. 1002.331 may provide a quarterly financial  
726 statement in the same format and requirements as the uniform  
727 monthly financial statement summary sheet. The sponsor shall  
728 review each monthly or quarterly financial statement to identify  
729 the existence of any conditions identified in s. 1002.345(1)(a).

730           4. A charter school shall maintain and provide financial  
731 information as required in this paragraph. The financial  
732 statement required in subparagraph 3. must be in a form  
733 prescribed by the Department of Education.

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734 (n)1. The director and a representative of the governing  
735 board of a charter school that has earned a grade of "D" or "F"  
736 pursuant to s. 1008.34 shall appear before the sponsor to  
737 present information concerning each contract component having  
738 noted deficiencies. The director and a representative of the  
739 governing board shall submit to the sponsor for approval a  
740 school improvement plan to raise student performance. Upon  
741 approval by the sponsor, the charter school shall begin  
742 implementation of the school improvement plan. The department  
743 shall offer technical assistance and training to the charter  
744 school and its governing board and establish guidelines for  
745 developing, submitting, and approving such plans.

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

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

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

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

756 (IV) Voluntarily close the charter school.

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757 b. The charter school must implement the corrective action  
758 in the school year following receipt of a third consecutive  
759 grade below a "C."

760 c. The sponsor may annually waive a corrective action if  
761 it determines that the charter school is likely to improve a  
762 letter grade if additional time is provided to implement the  
763 intervention and support strategies prescribed by the school  
764 improvement plan. Notwithstanding this sub-subparagraph, a  
765 charter school that earns a second consecutive grade of "F" is  
766 subject to subparagraph 3.

767 d. A charter school is no longer required to implement a  
768 corrective action if it improves to a "C" or higher. However,  
769 the charter school must continue to implement strategies  
770 identified in the school improvement plan. The sponsor must  
771 annually review implementation of the school improvement plan to  
772 monitor the school's continued improvement pursuant to  
773 subparagraph 4.

774 e. A charter school implementing a corrective action that  
775 does not improve to a "C" or higher after 2 full school years of  
776 implementing the corrective action must select a different  
777 corrective action. Implementation of the new corrective action  
778 must begin in the school year following the implementation  
779 period of the existing corrective action, unless the sponsor  
780 determines that the charter school is likely to improve to a "C"  
781 or higher if additional time is provided to implement the

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782 existing corrective action. Notwithstanding this sub-  
783 subparagraph, a charter school that earns a second consecutive  
784 grade of "F" while implementing a corrective action is subject  
785 to subparagraph 3.

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

789 a. The charter school is established to turn around the  
790 performance of a district public school pursuant to s.  
791 1008.33(4)(b)2. Such charter schools shall be governed by s.  
792 1008.33;

793 b. The charter school serves a student population the  
794 majority of which resides in a school zone served by a district  
795 public school subject to s. 1008.33(4) and the charter school  
796 earns at least a grade of "D" in its third year of operation.  
797 The exception provided under this sub-subparagraph does not  
798 apply to a charter school in its fourth year of operation and  
799 thereafter; or

800 c. The state board grants the charter school a waiver of  
801 termination. The charter school must request the waiver within  
802 15 days after the department's official release of school  
803 grades. The state board may waive termination if the charter  
804 school demonstrates that the Learning Gains of its students on  
805 statewide assessments are comparable to or better than the  
806 Learning Gains of similarly situated students enrolled in nearby

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807 ~~district~~ public schools. The waiver is valid for 1 year and may  
808 only be granted once. Charter schools that have been in  
809 operation for more than 5 years are not eligible for a waiver  
810 under this sub-subparagraph.

811  
812 The sponsor shall notify the charter school's governing board,  
813 the charter school principal, and the department in writing when  
814 a charter contract is terminated under this subparagraph. A  
815 charter terminated under this subparagraph must follow the  
816 procedures for dissolution and reversion of public funds  
817 pursuant to paragraphs (8) (d)-(f) and (9) (o).

818 4. The director and a representative of the governing  
819 board of a graded charter school that has implemented a school  
820 improvement plan under this paragraph shall appear before the  
821 sponsor at least once a year to present information regarding  
822 the progress of intervention and support strategies implemented  
823 by the school pursuant to the school improvement plan and  
824 corrective actions, if applicable. The sponsor shall communicate  
825 at the meeting, and in writing to the director, the services  
826 provided to the school to help the school address its  
827 deficiencies.

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

831 (10) ELIGIBLE STUDENTS.—

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

834 1. Students who are siblings of a student enrolled in the  
835 charter school.

836 2. Students who are the children of a member of the  
837 governing board of the charter school.

838 3. Students who are the children of an employee of the  
839 charter school.

840 4. Students who are the children of:

841 a. An employee of the business partner of a charter  
842 school-in-the-workplace established under paragraph (15) (b) or a  
843 resident of the municipality in which such charter school is  
844 located; or

845 b. A resident or employee of a municipality that operates  
846 a charter school-in-a-municipality pursuant to paragraph (15) (c)  
847 or allows a charter school to use a school facility or portion  
848 of land provided by the municipality for the operation of the  
849 charter school.

850 5. Students who have successfully completed, during the  
851 previous year, a voluntary prekindergarten education program  
852 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the  
853 charter school's governing board, or a voluntary prekindergarten  
854 provider that has a written agreement with the governing board  
855 ~~during the previous year.~~

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

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

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

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

863           2. Students considered at risk of dropping out of school  
864 or academic failure. Such students shall include exceptional  
865 education students.

866           3. Students enrolling in a charter school-in-the-workplace  
867 or charter school-in-a-municipality established pursuant to  
868 subsection (15).

869           4. Students residing within a reasonable distance of the  
870 charter school, as described in paragraph (20)(c). Such students  
871 shall be subject to a random lottery and to the racial/ethnic  
872 balance provisions described in subparagraph (7)(a)8. or any  
873 federal provisions that require a school to achieve a  
874 racial/ethnic balance reflective of the community it serves or  
875 within the racial/ethnic range of other nearby public schools ~~in~~  
876 ~~the same school district.~~

877           5. Students who meet reasonable academic, artistic, or  
878 other eligibility standards established by the charter school  
879 and included in the charter school application and charter or,  
880 in the case of existing charter schools, standards that are

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881 consistent with the school's mission and purpose. Such standards  
882 shall be in accordance with current state law and practice in  
883 public schools and may not discriminate against otherwise  
884 qualified individuals.

885 6. Students articulating from one charter school to  
886 another pursuant to an articulation agreement between the  
887 charter schools that has been approved by the sponsor.

888 7. Students living in a development in which a developer,  
889 including any affiliated business entity or charitable  
890 foundation, contributes to the formation, acquisition,  
891 construction, or operation of one or more charter schools or  
892 charter ~~provides the school facilities facility~~ and related  
893 property in an amount equal to or having a total an appraised  
894 value of at least \$5 million to be used as a charter schools  
895 ~~school~~ to mitigate the educational impact created by the  
896 development of new residential dwelling units. Students living  
897 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
898 percent of the student stations in the charter schools ~~school~~.  
899 The students who are eligible for enrollment are subject to a  
900 random lottery, the racial/ethnic balance provisions, or any  
901 federal provisions, as described in subparagraph 4. The  
902 remainder of the student stations must ~~shall~~ be filled in  
903 accordance with subparagraph 4.

904 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
905 INDEMNIFICATION OF THE STATE AND SPONSOR ~~SCHOOL DISTRICT~~; CREDIT

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906 OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into  
907 to borrow or otherwise secure funds for a charter school  
908 authorized in this section from a source other than the state or  
909 a sponsor ~~school district~~ shall indemnify the state and the  
910 sponsor ~~school district~~ from any and all liability, including,  
911 but not limited to, financial responsibility for the payment of  
912 the principal or interest. Any loans, bonds, or other financial  
913 agreements are not obligations of the state or the sponsor  
914 ~~school district~~ but are obligations of the charter school  
915 authority and are payable solely from the sources of funds  
916 pledged by such agreement. The credit or taxing power of the  
917 state or the sponsor ~~school district~~ shall not be pledged and no  
918 debts shall be payable out of any moneys except those of the  
919 legal entity in possession of a valid charter approved by a  
920 sponsor ~~district school board~~ pursuant to this section.

921 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
922 A-MUNICIPALITY.—

923 (c) A charter school-in-a-municipality designation may be  
924 granted to a municipality that possesses a charter; enrolls  
925 students based upon a random lottery that involves all of the  
926 children of the residents of that municipality who are seeking  
927 enrollment, as provided for in subsection (10); and enrolls  
928 students according to the racial/ethnic balance provisions  
929 described in subparagraph (7)(a)8. When a municipality has  
930 submitted charter applications for the establishment of a

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931 charter school feeder pattern, consisting of elementary, middle,  
932 and senior high schools, and each individual charter application  
933 is approved by the sponsor ~~district school board~~, such schools  
934 shall then be designated as one charter school for all purposes  
935 listed pursuant to this section. Any portion of the land and  
936 facility used for a public charter school shall be exempt from  
937 ad valorem taxes, as provided for in s. 1013.54, for the  
938 duration of its use as a public school.

939 (17) FUNDING.—Students enrolled in a charter school,  
940 regardless of the sponsorship, shall be funded as if they are in  
941 a basic program or a special program, the same as students  
942 enrolled in other public schools in a ~~the~~ school district.  
943 Funding for a charter lab school shall be as provided in s.  
944 1002.32.

945 (a) Each charter school shall report its student  
946 enrollment to the sponsor as required in s. 1011.62, and in  
947 accordance with the definitions in s. 1011.61. The sponsor shall  
948 include each charter school's enrollment in the sponsor's  
949 ~~district's~~ report of student enrollment. All charter schools  
950 submitting student record information required by the Department  
951 of Education shall comply with the Department of Education's  
952 guidelines for electronic data formats for such data, and all  
953 sponsors ~~districts~~ shall accept electronic data that complies  
954 with the Department of Education's electronic format.

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955 (b)1. The basis for the agreement for funding students  
956 enrolled in a charter school shall be the sum of the school  
957 district's operating funds from the Florida Education Finance  
958 Program as provided in s. 1011.62 and the General Appropriations  
959 Act, including gross state and local funds, discretionary  
960 lottery funds, and funds from the school district's current  
961 operating discretionary millage levy; divided by total funded  
962 weighted full-time equivalent students in the school district;  
963 and multiplied by the weighted full-time equivalent students for  
964 the charter school. Charter schools whose students or programs  
965 meet the eligibility criteria in law are entitled to their  
966 proportionate share of categorical program funds included in the  
967 total funds available in the Florida Education Finance Program  
968 by the Legislature, including transportation, the research-based  
969 reading allocation, and the Florida digital classrooms  
970 allocation. Total funding for each charter school shall be  
971 recalculated during the year to reflect the revised calculations  
972 under the Florida Education Finance Program by the state and the  
973 actual weighted full-time equivalent students reported by the  
974 charter school during the full-time equivalent student survey  
975 periods designated by the Commissioner of Education. For charter  
976 schools operated by a not-for-profit or municipal entity, any  
977 unrestricted current and capital assets identified in the  
978 charter school's annual financial audit may be used for other  
979 charter schools operated by the not-for-profit or municipal

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980 entity within the school district. Unrestricted current assets  
981 shall be used in accordance with s. 1011.62, and any  
982 unrestricted capital assets shall be used in accordance with s.  
983 1013.62(2).

984 2.a. Students enrolled in a charter school sponsored by a  
985 state university or Florida College System institution pursuant  
986 to paragraph (5)(a) shall be funded as if they are in a basic  
987 program or a special program in the school district. The basis  
988 for funding these students is the sum of the total operating  
989 funds from the Florida Education Finance Program for the school  
990 district in which the school is located as provided in s.  
991 1011.62 and the General Appropriations Act, including gross  
992 state and local funds, discretionary lottery funds, and funds  
993 from each school district's current operating discretionary  
994 millage levy; divided by total funded weighted full-time  
995 equivalent students in the district; and multiplied by the full-  
996 time equivalent membership of the charter school. The Department  
997 of Education shall develop a tool that each state university or  
998 Florida College System institution sponsoring a charter school  
999 shall use for purposes of calculating the funding amount for  
1000 each eligible charter school student. The total amount obtained  
1001 from the calculation must be appropriated from state funds in  
1002 the General Appropriations Act to the charter school.

1003 b. Capital outlay funding for a charter school sponsored  
1004 by a state university or Florida College System institution

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1005 pursuant to paragraph (5) (a) is determined pursuant to s.  
1006 1013.62 and the General Appropriations Act.

1007 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
1008 schools shall receive all federal funding for which the school  
1009 is otherwise eligible, including Title I funding, not later than  
1010 5 months after the charter school first opens and within 5  
1011 months after any subsequent expansion of enrollment. Unless  
1012 otherwise mutually agreed to by the charter school and its  
1013 sponsor, and consistent with state and federal rules and  
1014 regulations governing the use and disbursement of federal funds,  
1015 the sponsor shall reimburse the charter school on a monthly  
1016 basis for all invoices submitted by the charter school for  
1017 federal funds available to the sponsor for the benefit of the  
1018 charter school, the charter school's students, and the charter  
1019 school's students as public school students in the school  
1020 district. Such federal funds include, but are not limited to,  
1021 Title I, Title II, and Individuals with Disabilities Education  
1022 Act (IDEA) funds. To receive timely reimbursement for an  
1023 invoice, the charter school must submit the invoice to the  
1024 sponsor at least 30 days before the monthly date of  
1025 reimbursement set by the sponsor. In order to be reimbursed, any  
1026 expenditures made by the charter school must comply with all  
1027 applicable state rules and federal regulations, including, but  
1028 not limited to, the applicable federal Office of Management and  
1029 Budget Circulars; the federal Education Department General

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1030 Administrative Regulations; and program-specific statutes,  
1031 rules, and regulations. Such funds may not be made available to  
1032 the charter school until a plan is submitted to the sponsor for  
1033 approval of the use of the funds in accordance with applicable  
1034 federal requirements. The sponsor has 30 days to review and  
1035 approve any plan submitted pursuant to this paragraph.

1036 (d) Charter schools shall be included by the Department of  
1037 Education and the district school board in requests for federal  
1038 stimulus funds in the same manner as district school board-  
1039 operated public schools, including Title I and IDEA funds and  
1040 shall be entitled to receive such funds. Charter schools are  
1041 eligible to participate in federal competitive grants that are  
1042 available as part of the federal stimulus funds.

1043 (e) Sponsors ~~District school boards~~ shall make timely and  
1044 efficient payment and reimbursement to charter schools,  
1045 including processing paperwork required to access special state  
1046 and federal funding for which they may be eligible. Payments of  
1047 funds under paragraph (b) shall be made monthly or twice a  
1048 month, beginning with the start of the sponsor's ~~district school~~  
1049 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
1050 twenty-fourth, as applicable, of the total state and local funds  
1051 described in paragraph (b) and adjusted as set forth therein.  
1052 For the first 2 years of a charter school's operation, if a  
1053 minimum of 75 percent of the projected enrollment is entered  
1054 into the sponsor's student information system by the first day

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1055 of the current month, the sponsor ~~district school board~~ shall  
1056 distribute funds to the school for the months of July through  
1057 October based on the projected full-time equivalent student  
1058 membership of the charter school as submitted in the approved  
1059 application. If less than 75 percent of the projected enrollment  
1060 is entered into the sponsor's student information system by the  
1061 first day of the current month, the sponsor shall base payments  
1062 on the actual number of student enrollment entered into the  
1063 sponsor's student information system. Thereafter, the results of  
1064 full-time equivalent student membership surveys shall be used in  
1065 adjusting the amount of funds distributed monthly to the charter  
1066 school for the remainder of the fiscal year. The payments shall  
1067 be issued no later than 10 working days after the sponsor  
1068 ~~district school board~~ receives a distribution of state or  
1069 federal funds or the date the payment is due pursuant to this  
1070 subsection. If a warrant for payment is not issued within 10  
1071 working days after receipt of funding by the sponsor ~~district~~  
1072 ~~school board~~, the sponsor ~~school-district~~ shall pay to the  
1073 charter school, in addition to the amount of the scheduled  
1074 disbursement, interest at a rate of 1 percent per month  
1075 calculated on a daily basis on the unpaid balance from the  
1076 expiration of the 10 working days until such time as the warrant  
1077 is issued. The district school board may not delay payment to a  
1078 charter school of any portion of the funds provided in paragraph

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1079 (b) based on the timing of receipt of local funds by the  
1080 district school board.

1081 (f) Funding for a virtual charter school shall be as  
1082 provided in s. 1002.45(7).

1083 (g) To be eligible for public education capital outlay  
1084 (PECO) funds, a charter school must be located in the State of  
1085 Florida.

1086 (h) A charter school that implements a schoolwide standard  
1087 student attire policy pursuant to s. 1011.78 is eligible to  
1088 receive incentive payments.

1089 (18) FACILITIES.—

1090 (e) If a district school board facility or property is  
1091 available because it is surplus, marked for disposal, or  
1092 otherwise unused, it shall be provided for a charter school's  
1093 use on the same basis as it is made available to other public  
1094 schools in the district. A charter school receiving property  
1095 from the sponsor ~~school district~~ may not sell or dispose of such  
1096 property without written permission of the sponsor ~~school~~  
1097 ~~district~~. Similarly, for an existing public school converting to  
1098 charter status, no rental or leasing fee for the existing  
1099 facility or for the property normally inventoried to the  
1100 conversion school may be charged by the district school board to  
1101 the parents and teachers organizing the charter school. The  
1102 charter school shall agree to reasonable maintenance provisions  
1103 in order to maintain the facility in a manner similar to

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1104 district school board standards. The Public Education Capital  
1105 Outlay maintenance funds or any other maintenance funds  
1106 generated by the facility operated as a conversion school shall  
1107 remain with the conversion school.

1108 (20) SERVICES.—

1109 (a)1. A sponsor shall provide certain administrative and  
1110 educational services to charter schools. These services shall  
1111 include contract management services; full-time equivalent and  
1112 data reporting services; exceptional student education  
1113 administration services; services related to eligibility and  
1114 reporting duties required to ensure that school lunch services  
1115 under the National School Lunch Program, consistent with the  
1116 needs of the charter school, are provided by the sponsor ~~school~~  
1117 ~~district~~ at the request of the charter school, that any funds  
1118 due to the charter school under the National School Lunch  
1119 Program be paid to the charter school as soon as the charter  
1120 school begins serving food under the National School Lunch  
1121 Program, and that the charter school is paid at the same time  
1122 and in the same manner under the National School Lunch Program  
1123 as other public schools serviced by the sponsor or the school  
1124 district; test administration services, including payment of the  
1125 costs of state-required or district-required student  
1126 assessments; processing of teacher certificate data services;  
1127 and information services, including equal access to the  
1128 sponsor's student information systems that are used by public

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1129 schools in the district in which the charter school is located  
1130 or by schools in the sponsor's portfolio of charter schools if  
1131 the sponsor is not a school district. Student performance data  
1132 for each student in a charter school, including, but not limited  
1133 to, FCAT scores, standardized test scores, previous public  
1134 school student report cards, and student performance measures,  
1135 shall be provided by the sponsor to a charter school in the same  
1136 manner provided to other public schools in the district or by  
1137 schools in the sponsor's portfolio of charter schools if the  
1138 sponsor is not a school district.

1139 2. A sponsor may withhold an administrative fee for the  
1140 provision of such services which shall be a percentage of the  
1141 available funds defined in paragraph (17)(b) calculated based on  
1142 weighted full-time equivalent students. If the charter school  
1143 serves 75 percent or more exceptional education students as  
1144 defined in s. 1003.01(3), the percentage shall be calculated  
1145 based on unweighted full-time equivalent students. The  
1146 administrative fee shall be calculated as follows:

1147 a. Up to 5 percent for:

1148 (I) Enrollment of up to and including 250 students in a  
1149 charter school as defined in this section.

1150 (II) Enrollment of up to and including 500 students within  
1151 a charter school system which meets all of the following:

1152 (A) Includes conversion charter schools and nonconversion  
1153 charter schools.

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1154 (B) Has all of its schools located in the same county.

1155 (C) Has a total enrollment exceeding the total enrollment  
1156 of at least one school district in the state.

1157 (D) Has the same governing board for all of its schools.

1158 (E) Does not contract with a for-profit service provider  
1159 for management of school operations.

1160 (III) Enrollment of up to and including 250 students in a  
1161 virtual charter school.

1162 b. Up to 2 percent for enrollment of up to and including  
1163 250 students in a high-performing charter school as defined in  
1164 s. 1002.331.

1165 c. Up to 2 percent for enrollment of up to and including  
1166 250 students in an exceptional student education center that  
1167 meets the requirements of s. 1008.3415(3).

1168 3. A sponsor may not charge charter schools any additional  
1169 fees or surcharges for administrative and educational services  
1170 in addition to the maximum percentage of administrative fees  
1171 withheld pursuant to this paragraph.

1172 4. A sponsor shall provide to the department by September  
1173 15 of each year the total amount of funding withheld from  
1174 charter schools pursuant to this subsection for the prior fiscal  
1175 year. The department must include the information in the report  
1176 required under sub-sub-subparagraph (5) (b) 1.k. (III).

1177 (b) If goods and services are made available to the  
1178 charter school through the contract with the sponsor ~~school~~

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1179 | ~~district~~, they shall be provided to the charter school at a rate  
1180 | no greater than the sponsor's ~~district's~~ actual cost unless  
1181 | mutually agreed upon by the charter school and the sponsor in a  
1182 | contract negotiated separately from the charter. When mediation  
1183 | has failed to resolve disputes over contracted services or  
1184 | contractual matters not included in the charter, an appeal may  
1185 | be made to an administrative law judge appointed by the Division  
1186 | of Administrative Hearings. The administrative law judge has  
1187 | final order authority to rule on the dispute. The administrative  
1188 | law judge shall award the prevailing party reasonable attorney  
1189 | fees and costs incurred during the mediation process,  
1190 | administrative proceeding, and any appeals, to be paid by the  
1191 | party whom the administrative law judge rules against. To  
1192 | maximize the use of state funds, sponsors ~~school districts~~ shall  
1193 | allow charter schools to participate in the sponsor's bulk  
1194 | purchasing program if applicable.

1195 | (c) Transportation of charter school students shall be  
1196 | provided by the charter school consistent with the requirements  
1197 | of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1198 | body of the charter school may provide transportation through an  
1199 | agreement or contract with the sponsor ~~district school board~~, a  
1200 | private provider, or parents. The charter school and the sponsor  
1201 | shall cooperate in making arrangements that ensure that  
1202 | transportation is not a barrier to equal access for all students

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1203 residing within a reasonable distance of the charter school as  
1204 determined in its charter.

1205 (d) Each charter school shall annually complete and submit  
1206 a survey, provided in a format specified by the Department of  
1207 Education, to rate the timeliness and quality of services  
1208 provided by the sponsor ~~district~~ in accordance with this  
1209 section. The department shall compile the results, by sponsor  
1210 ~~district~~, and include the results in the report required under  
1211 sub-sub-subparagraph (5) (b)1.k.(III).

1212 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1213 (a) The Department of Education shall provide information  
1214 to the public, directly and through sponsors, on how to form and  
1215 operate a charter school and how to enroll in a charter school  
1216 once it is created. This information shall include the standard  
1217 application form, standard charter contract, standard evaluation  
1218 instrument, and standard charter renewal contract, which shall  
1219 include the information specified in subsection (7) and shall be  
1220 developed by consulting and negotiating with both sponsors  
1221 ~~school districts~~ and charter schools before implementation. The  
1222 charter and charter renewal contracts shall be used by charter  
1223 school sponsors.

1224 (b)1. The Department of Education shall report to each  
1225 charter school receiving a school grade pursuant to s. 1008.34  
1226 or a school improvement rating pursuant to s. 1008.341 the  
1227 school's student assessment data.

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1228           2. The charter school shall report the information in  
1229 subparagraph 1. to each parent of a student at the charter  
1230 school, the parent of a child on a waiting list for the charter  
1231 school, the sponsor ~~district in which the charter school is~~  
1232 ~~located~~, and the governing board of the charter school. This  
1233 paragraph does not abrogate the provisions of s. 1002.22,  
1234 relating to student records, or the requirements of 20 U.S.C. s.  
1235 1232g, the Family Educational Rights and Privacy Act.

1236           (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
1237 SCHOOL SYSTEMS.—

1238           (a) A charter school system's governing board shall be  
1239 designated a local educational agency for the purpose of  
1240 receiving federal funds, the same as though the charter school  
1241 system were a school district, if the governing board of the  
1242 charter school system has adopted and filed a resolution with  
1243 its sponsor ~~sponsoring district school board~~ and the Department  
1244 of Education in which the governing board of the charter school  
1245 system accepts the full responsibility for all local education  
1246 agency requirements and the charter school system meets all of  
1247 the following:

- 1248           1. Has all schools located in the same county;
  - 1249           2. Has a total enrollment exceeding the total enrollment  
1250 of at least one school district in the state; and
  - 1251           3. Has the same governing board.
- 1252

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1253 Such designation does not apply to other provisions unless  
1254 specifically provided in law.

1255 (28) RULEMAKING.—The Department of Education, after  
1256 consultation with sponsors ~~school districts~~ and charter school  
1257 directors, shall recommend that the State Board of Education  
1258 adopt rules to implement specific subsections of this section.  
1259 Such rules shall require minimum paperwork and shall not limit  
1260 charter school flexibility authorized by statute. The State  
1261 Board of Education shall adopt rules, pursuant to ss. 120.536(1)  
1262 and 120.54, to implement a standard charter application form,  
1263 standard application form for the replication of charter schools  
1264 in a high-performing charter school system, standard evaluation  
1265 instrument, and standard charter and charter renewal contracts  
1266 in accordance with this section.

1267 Section 5. Paragraph (a) of subsection (1), paragraph (a)  
1268 of subsection (2), and paragraph (b) of subsection (3) of  
1269 section 1002.331, Florida Statutes, are amended to read:

1270 1002.331 High-performing charter schools.—

1271 (1) A charter school is a high-performing charter school  
1272 if it:

1273 (a)1. Received at least two school grades of "A" and no  
1274 school grade below "B," pursuant to s. 1008.34, during each of  
1275 the previous 3 school years or received at least two consecutive  
1276 school grades of "A" in the most recent 2 school years for the  
1277 years that the school received a grade; or

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1278        2. Receives, during its first 3 years of operation,  
1279 funding through the National Fund of the Charter School Growth  
1280 Fund, and has received no school grade below "C," pursuant to s.  
1281 1008.34, during each of the previous 3 school years for the  
1282 years that the school received a grade.

1283  
1284 For purposes of determining initial eligibility, the  
1285 requirements of paragraphs (b) and (c) only apply for the most  
1286 recent 2 fiscal years if the charter school earns two  
1287 consecutive grades of "A." A virtual charter school established  
1288 under s. 1002.33 is not eligible for designation as a high-  
1289 performing charter school.

1290        (2) A high-performing charter school is authorized to:

1291        (a) Increase its student enrollment once per school year  
1292 to more than the capacity identified in the charter, but student  
1293 enrollment may not exceed the capacity of the facility at the  
1294 time the enrollment increase will take effect. Facility capacity  
1295 for purposes of ~~grade-level~~ expansion shall include any  
1296 improvements to an existing facility or any new facility in  
1297 which ~~a majority of~~ the students of the high-performing charter  
1298 school will enroll.

1299  
1300 A high-performing charter school shall notify its sponsor in  
1301 writing by March 1 if it intends to increase enrollment or  
1302 expand grade levels the following school year. The written

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1303 notice shall specify the amount of the enrollment increase and  
1304 the grade levels that will be added, as applicable. If a charter  
1305 school notifies the sponsor of its intent to expand, the sponsor  
1306 shall modify the charter within 90 days to include the new  
1307 enrollment maximum and may not make any other changes. The  
1308 sponsor may deny a request to increase the enrollment of a high-  
1309 performing charter school if the commissioner has declassified  
1310 the charter school as high-performing. If a high-performing  
1311 charter school requests to consolidate multiple charters, the  
1312 sponsor shall have 40 days after receipt of that request to  
1313 provide an initial draft charter to the charter school. The  
1314 sponsor and charter school shall have 50 days thereafter to  
1315 negotiate and notice the charter contract for final approval by  
1316 the sponsor.

1317 (3)

1318 (b) A high-performing charter school may submit ~~not~~  
1319 ~~establish more than two~~ applications for a charter school to be  
1320 opened, at a time determined by the high-performing charter  
1321 school, schools within this the state under paragraph (a) in any  
1322 year. A subsequent application to establish a charter school  
1323 under paragraph (a) may not be submitted unless each charter  
1324 school applicant commences operations or an application is  
1325 otherwise withdrawn ~~established in this manner achieves high-~~  
1326 ~~performing charter school status.~~ However, a high-performing  
1327 charter school may establish more than one charter school within

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1328 this ~~the~~ state under paragraph (a) in any year if it operates in  
1329 the area of a persistently low-performing school and serves  
1330 students from that school. This paragraph applies to any high-  
1331 performing charter school with an existing approved application.

1332 Section 6. Paragraph (c) of subsection (1), paragraphs  
1333 (a), (g), and (h) of subsection (6), and paragraph (d) of  
1334 subsection (7) of section 1002.333, Florida Statutes, are  
1335 amended, and paragraph (e) is added to subsection (9) of that  
1336 section, to read:

1337 1002.333 Persistently low-performing schools.—

1338 (1) DEFINITIONS.—As used in this section, the term:

1339 (c) "Persistently low-performing school" means a school  
1340 that has earned three grades lower than a "C," pursuant to s.  
1341 1008.34, in at least 3 of the previous 5 years that the school  
1342 received a grade and has not earned a grade of "B" or higher in  
1343 the most recent 2 school years, and a school that was closed  
1344 pursuant to s. 1008.33(4) within 2 years after the submission of  
1345 a notice of intent.

1346 (6) STATUTORY AUTHORITY.—

1347 (a) A school of hope or a nonprofit entity that operates  
1348 more than one school of hope through a performance-based  
1349 agreement with a school district may be designated as a local  
1350 education agency by the Department of Education, if requested,  
1351 for the purposes of receiving federal funds and, in doing so,  
1352 accepts the full responsibility for all local education agency

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1353 requirements and the schools for which it will perform local  
1354 education agency responsibilities.

1355 1. A nonprofit entity designated as a local education  
1356 agency may report its students to the Department of Education in  
1357 accordance with the definitions in s. 1011.61 and pursuant to  
1358 the department's procedures and timelines.

1359 2. Students enrolled in a school established by a hope  
1360 operator designated as a local educational agency are not  
1361 eligible students for purposes of calculating the district grade  
1362 pursuant to s. 1008.34(5).

1363 (g) Each school of hope that has not been designated as a  
1364 local education agency shall report its students to the school  
1365 district as required in s. 1011.62, and in accordance with the  
1366 definitions in s. 1011.61. The school district shall include  
1367 each charter school's enrollment in the district's report of  
1368 student enrollment. All charter schools submitting student  
1369 record information required by the department shall comply with  
1370 the department's guidelines for electronic data formats for such  
1371 data, and all districts shall accept electronic data that  
1372 complies with the department's electronic format.

1373 (h)1. A school of hope shall provide the school district  
1374 with a concise, uniform, quarterly financial statement summary  
1375 sheet that contains a balance sheet and a statement of revenue,  
1376 expenditures, and changes in fund balance. The balance sheet and  
1377 the statement of revenue, expenditures, and changes in fund

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1378 balance shall be in the governmental fund format prescribed by  
1379 the Governmental Accounting Standards Board. Additionally, a  
1380 school of hope shall comply with the annual audit requirement  
1381 for charter schools in s. 218.39.

1382 2. A school of hope is in compliance with subparagraph 1.  
1383 if it is operated by a nonprofit entity designated as a local  
1384 education agency and if the nonprofit entity submits to each  
1385 school district in which it operates a school of hope:

1386 a. A concise, uniform, quarterly financial statement  
1387 summary sheet that contains a balance sheet summarizing the  
1388 revenue, expenditures, and changes in fund balance for the  
1389 nonprofit entity and for its schools of hope within the school  
1390 district.

1391 b. An annual financial audit of the nonprofit entity that  
1392 includes all schools of hope it operates within this state and  
1393 that complies with s. 218.39 regarding audits of a school board.

1394 (7) FACILITIES.—

1395 (d) No later than January October 1, the department each  
1396 school district shall annually provide to school districts the  
1397 Department of Education a list of all underused, vacant, or  
1398 surplus facilities owned or operated by the school district as  
1399 reported in the Florida Inventory of School Houses. A school  
1400 district may provide evidence to the Department of Education  
1401 that the list contains errors or omissions within 30 days after  
1402 receipt of the list. By each April 1, the Department of

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1403 Education shall update and publish a final list of all  
1404 underused, vacant, or surplus facilities owned or operated by  
1405 each school district, based upon updated information provided by  
1406 each school district. A hope operator establishing a school of  
1407 hope may use an educational facility identified in this  
1408 paragraph at no cost or at a mutually agreeable cost not to  
1409 exceed \$600 per student. A hope operator using a facility  
1410 pursuant to this paragraph may not sell or dispose of such  
1411 facility without the written permission of the school district.  
1412 For purposes of this paragraph, the term "underused, vacant, or  
1413 surplus facility" means an entire facility or portion thereof  
1414 which is not fully used or is used irregularly or intermittently  
1415 by the school district for instructional or program use.

1416 (9) FUNDING.—

1417 (e) For a nonprofit entity designated as a local education  
1418 agency by the Department of Education pursuant to paragraph  
1419 (6) (a), any unrestricted current and capital assets identified  
1420 in the annual financial audit required by sub-subparagraph  
1421 (6) (h)2.b. may be used by any other school of hope operated by  
1422 the local education agency within the same district.

1423 Unrestricted current assets shall be used in accordance with s.  
1424 1011.62, and any unrestricted capital assets shall be used in  
1425 accordance with s. 1013.62(2).

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1426 Section 7. Paragraph (d) of subsection (1) and paragraph  
1427 (a) of subsection (2) of section 1002.45, Florida Statutes, are  
1428 amended to read:

1429 1002.45 Virtual instruction programs.—

1430 (1) PROGRAM.—

1431 (d) A virtual charter school may provide full-time or  
1432 part-time virtual instruction for students in kindergarten  
1433 through grade 12 if the virtual charter school has a charter  
1434 approved pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
1435 ~~instruction~~. A virtual charter school may:

1436 1. Contract with the Florida Virtual School.

1437 2. Contract with an approved provider under subsection  
1438 (2).

1439 3. Enter into an agreement with a school district to allow  
1440 the participation of the virtual charter school's students in  
1441 the school district's virtual instruction program. The agreement  
1442 must indicate a process for reporting of student enrollment and  
1443 the transfer of funds required by paragraph (7) (e).

1444 (2) PROVIDER QUALIFICATIONS.—

1445 (a) The department shall annually publish online a list of  
1446 providers approved to offer virtual instruction programs. To be  
1447 approved by the department, a provider must document that it:

1448 1. Is nonsectarian in its programs, admission policies,  
1449 employment practices, and operations;

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1450           2. Complies with the antidiscrimination provisions of s.  
1451 1000.05;

1452           3. Locates an administrative office or offices in this  
1453 state, requires its administrative staff to be state residents,  
1454 requires all instructional staff to be Florida-certified  
1455 teachers under chapter 1012 and conducts background screenings  
1456 for all employees or contracted personnel, as required by s.  
1457 1012.32, using state and national criminal history records;

1458           4. Provides to parents and students specific information  
1459 posted and accessible online that includes, but is not limited  
1460 to, the following teacher-parent and teacher-student contact  
1461 information for each course:

1462           a. How to contact the instructor via phone, e-mail, or  
1463 online messaging tools.

1464           b. How to contact technical support via phone, e-mail, or  
1465 online messaging tools.

1466           c. How to contact the administration office via phone, e-  
1467 mail, or online messaging tools.

1468           d. Any requirement for regular contact with the instructor  
1469 for the course and clear expectations for meeting the  
1470 requirement.

1471           e. The requirement that the instructor in each course  
1472 must, at a minimum, conduct one contact ~~via phone~~ with the  
1473 parent and the student each month;

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1474 5. Possesses prior, successful experience offering online  
1475 courses to elementary, middle, or high school students as  
1476 demonstrated by quantified student learning gains in each  
1477 subject area and grade level provided for consideration as an  
1478 instructional program option. However, for a provider without  
1479 sufficient prior, successful experience offering online courses,  
1480 the department may conditionally approve the provider to offer  
1481 courses measured pursuant to subparagraph (8) (a)2. Conditional  
1482 approval shall be valid for 1 school year only and, based on the  
1483 provider's experience in offering the courses, the department  
1484 shall determine whether to grant approval to offer a virtual  
1485 instruction program;

1486 6. Is accredited by a regional accrediting association as  
1487 defined by State Board of Education rule;

1488 7. Ensures instructional and curricular quality through a  
1489 detailed curriculum and student performance accountability plan  
1490 that addresses every subject and grade level it intends to  
1491 provide through contract with the school district, including:

1492 a. Courses and programs that meet the standards of the  
1493 International Association for K-12 Online Learning and the  
1494 Southern Regional Education Board.

1495 b. Instructional content and services that align with, and  
1496 measure student attainment of, student proficiency in the Next  
1497 Generation Sunshine State Standards.

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1498 c. Mechanisms that determine and ensure that a student has  
1499 satisfied requirements for grade level promotion and high school  
1500 graduation with a standard diploma, as appropriate;

1501 8. Publishes for the general public, in accordance with  
1502 disclosure requirements adopted in rule by the State Board of  
1503 Education, as part of its application as a provider and in all  
1504 contracts negotiated pursuant to this section:

1505 a. Information and data about the curriculum of each full-  
1506 time and part-time program.

1507 b. School policies and procedures.

1508 c. Certification status and physical location of all  
1509 administrative and instructional personnel.

1510 d. Hours and times of availability of instructional  
1511 personnel.

1512 e. Student-teacher ratios.

1513 f. Student completion and promotion rates.

1514 g. Student, educator, and school performance  
1515 accountability outcomes;

1516 9. If the provider is a Florida College System  
1517 institution, employs instructors who meet the certification  
1518 requirements for instructional staff under chapter 1012; and

1519 10. Performs an annual financial audit of its accounts and  
1520 records conducted by an independent certified public accountant  
1521 which is in accordance with rules adopted by the Auditor  
1522 General, is conducted in compliance with generally accepted

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1523 auditing standards, and includes a report on financial  
1524 statements presented in accordance with generally accepted  
1525 accounting principles.

1526 Section 8. Subsection (2) of section 1002.455, Florida  
1527 Statutes, is amended to read:

1528 1002.455 Student eligibility for K-12 virtual  
1529 instruction.—All students, including home education and private  
1530 school students, are eligible to participate in any of the  
1531 following virtual instruction options:

1532 (2) Part-time or full-time virtual charter school  
1533 instruction authorized under s. 1002.33 to students within the  
1534 school district or to students in other school districts  
1535 throughout the state pursuant to s. 1002.31.

1536 Section 9. Paragraph (s) of subsection (2) of section  
1537 1003.42, Florida Statutes, is amended to read:

1538 1003.42 Required instruction.—

1539 (2) Members of the instructional staff of the public  
1540 schools, subject to the rules of the State Board of Education  
1541 and the district school board, shall teach efficiently and  
1542 faithfully, using the books and materials required that meet the  
1543 highest standards for professionalism and historical accuracy,  
1544 following the prescribed courses of study, and employing  
1545 approved methods of instruction, the following:

1546 (s) A character development program in the elementary  
1547 schools, similar to Character First or Character Counts, which

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1548 is secular in nature. Beginning in school year 2004-2005, the  
1549 character development program shall be required in kindergarten  
1550 through grade 12. Each district school board shall develop or  
1551 adopt a curriculum for the character development program that  
1552 shall be submitted to the department for approval.

1553 1. The character development curriculum shall stress the  
1554 qualities of patriotism; responsibility; citizenship; kindness;  
1555 respect for authority, life, liberty, and personal property;  
1556 honesty; charity; self-control; racial, ethnic, and religious  
1557 tolerance; and cooperation.

1558 2. The character development curriculum for grades 9  
1559 through 12 shall, at a minimum, include instruction on  
1560 developing leadership skills, interpersonal skills, organization  
1561 skills, and research skills; creating a resume; developing and  
1562 practicing the skills necessary for employment interviews;  
1563 conflict resolution, workplace ethics, and workplace law;  
1564 managing stress and expectations; and developing skills that  
1565 enable students to become more resilient and self-motivated.

1566 3. The character development curriculum for grades 11 and  
1567 12 shall include instruction on voting using the uniform primary  
1568 and general election ballot described in s. 101.151(9).  
1569

1570 The State Board of Education is encouraged to adopt standards  
1571 and pursue assessment of the requirements of this subsection. A  
1572 character development program that incorporates the values of

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1573 the recipients of the Congressional Medal of Honor and that is  
1574 offered as part of a social studies, English Language Arts, or  
1575 other schoolwide character building and veteran awareness  
1576 initiative meets the requirements of paragraphs (s) and (t).

1577 Section 10. Subsection (3) of section 1003.433, Florida  
1578 Statutes, is amended to read:

1579 1003.433 Learning opportunities for out-of-state and out-  
1580 of-country transfer students and students needing additional  
1581 instruction to meet high school graduation requirements.—

1582 (3) Students who have been enrolled in an ESOL program for  
1583 less than 2 school years and have met all requirements for the  
1584 standard high school diploma except for passage of any must-pass  
1585 assessment under s. 1003.4282 or s. 1008.22 or alternate  
1586 assessment may:

1587 (a) Receive immersion English language instruction during  
1588 the summer following their senior year. Students receiving such  
1589 instruction are eligible to take the required assessment or  
1590 alternate assessment and receive a standard high school diploma  
1591 upon passage of the required assessment or alternate assessment.  
1592 This paragraph ~~subsection~~ shall be implemented to the extent  
1593 funding is provided in the General Appropriations Act.

1594 (b) Beginning with the 2022-2023 school year, meet the  
1595 requirement to pass the statewide, standardized grade 10 English  
1596 Language Arts assessment by satisfactorily demonstrating grade-

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1597 | level expectations on formative assessments, in accordance with  
1598 | state board rule.

1599 | Section 11. Paragraph (a) of subsection (1) of section  
1600 | 1003.493, Florida Statutes, is amended to read:

1601 | 1003.493 Career and professional academies and career-  
1602 | themed courses.—

1603 | (1) (a) A "career and professional academy" is a research-  
1604 | based program that integrates a rigorous academic curriculum  
1605 | with an industry-specific curriculum aligned directly to  
1606 | priority workforce needs established by the local workforce  
1607 | development board or the Department of Economic Opportunity.  
1608 | Career and professional academies shall be offered by public  
1609 | schools and school districts. Career and professional academies  
1610 | may be offered by charter schools. The Florida Virtual School is  
1611 | encouraged to develop and offer rigorous career and professional  
1612 | courses as appropriate. Students completing career and  
1613 | professional academy programs must receive a standard high  
1614 | school diploma, the highest available industry certification,  
1615 | and opportunities to earn postsecondary credit if the academy  
1616 | partners with a postsecondary institution approved to operate in  
1617 | the state.

1618 | Section 12. Subsection (3) of section 1008.3415, Florida  
1619 | Statutes, is renumbered as subsection (4), and a new subsection  
1620 | (3) is added to that section to read:

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1621 1008.3415 School grade or school improvement rating for  
1622 exceptional student education centers.—

1623 (3) A charter school that is an exceptional student  
1624 education center and that receives two consecutive ratings of  
1625 "maintaining" or higher may replicate its educational program  
1626 under s. 1002.331(3). The Commissioner of Education, upon  
1627 request by the charter school, shall verify that the charter  
1628 school meets the requirements of this subsection and provide a  
1629 letter to the charter school and the sponsor stating that the  
1630 charter school may replicate its educational program in the same  
1631 manner as a high-performing charter school under s. 1002.331(3).

1632 Section 13. Subsection (2) of section 1012.32, Florida  
1633 Statutes, is amended to read:

1634 1012.32 Qualifications of personnel.—

1635 (2) (a) Instructional and noninstructional personnel who  
1636 are hired or contracted to fill positions that require direct  
1637 contact with students in any district school system or  
1638 university lab school must, upon employment or engagement to  
1639 provide services, undergo background screening as required under  
1640 s. 1012.465 or s. 1012.56, whichever is applicable.

1641 (b) 1. Instructional and noninstructional personnel who are  
1642 hired or contracted to fill positions in a ~~any~~ charter school,  
1643 other than a school of hope as defined in s. 1002.333, and  
1644 members of the governing board of such ~~any~~ charter school, in  
1645 compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,

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1646 engagement of services, or appointment, shall undergo background  
1647 screening as required under s. 1012.465 or s. 1012.56, whichever  
1648 is applicable, by filing with the district school board for the  
1649 school district in which the charter school is located a  
1650 complete set of fingerprints taken by an authorized law  
1651 enforcement agency or an employee of the school or school  
1652 district who is trained to take fingerprints.

1653 2. Instructional and noninstructional personnel who are  
1654 hired or contracted to fill positions in a school of hope as  
1655 defined in s. 1002.333, and members of the governing board of  
1656 such school of hope, shall file with the school of hope a  
1657 complete set of fingerprints taken by an authorized law  
1658 enforcement agency, by an employee of the school of hope or  
1659 school district who is trained to take fingerprints, or by any  
1660 other entity recognized by the Department of Law Enforcement to  
1661 take fingerprints.

1662 (c) Instructional and noninstructional personnel who are  
1663 hired or contracted to fill positions that require direct  
1664 contact with students in an alternative school that operates  
1665 under contract with a district school system must, upon  
1666 employment or engagement to provide services, undergo background  
1667 screening as required under s. 1012.465 or s. 1012.56, whichever  
1668 is applicable, by filing with the district school board for the  
1669 school district to which the alternative school is under  
1670 contract a complete set of fingerprints taken by an authorized

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1671 law enforcement agency or an employee of the school or school  
1672 district who is trained to take fingerprints.

1673 (d) Student teachers and persons participating in a field  
1674 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1675 district school system, lab school, or charter school must, upon  
1676 engagement to provide services, undergo background screening as  
1677 required under s. 1012.56.

1678

1679 Required fingerprints must ~~shall~~ be submitted to the Department  
1680 of Law Enforcement for statewide criminal and juvenile records  
1681 checks and to the Federal Bureau of Investigation for federal  
1682 criminal records checks. A person subject to this subsection who  
1683 is found ineligible for employment under s. 1012.315, or  
1684 otherwise found through background screening to have been  
1685 convicted of any crime involving moral turpitude as defined by  
1686 rule of the State Board of Education, shall not be employed,  
1687 engaged to provide services, or serve in any position that  
1688 requires direct contact with students. Probationary persons  
1689 subject to this subsection terminated because of their criminal  
1690 record have the right to appeal such decisions. The cost of the  
1691 background screening may be borne by the district school board,  
1692 the charter school, the employee, the contractor, or a person  
1693 subject to this subsection. A district school board shall  
1694 reimburse a charter school the cost of background screening if  
1695 it does not notify the charter school of the eligibility of a

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1696 governing board member or instructional or noninstructional  
1697 personnel within the earlier of 14 days after receipt of the  
1698 background screening results from the Florida Department of Law  
1699 Enforcement or 30 days of submission of fingerprints by the  
1700 governing board member or instructional or noninstructional  
1701 personnel.

1702 Section 14. Paragraph (a) of subsection (1) of section  
1703 1013.62, Florida Statutes, is amended to read:

1704 1013.62 Charter schools capital outlay funding.—

1705 (1) For the 2020-2021 fiscal year, charter school capital  
1706 outlay funding shall consist of state funds appropriated in the  
1707 2020-2021 General Appropriations Act. Beginning in fiscal year  
1708 2021-2022, charter school capital outlay funding shall consist  
1709 of state funds when such funds are appropriated in the General  
1710 Appropriations Act and revenue resulting from the discretionary  
1711 millage authorized in s. 1011.71(2) if the amount of state funds  
1712 appropriated for charter school capital outlay in any fiscal  
1713 year is less than the average charter school capital outlay  
1714 funds per unweighted full-time equivalent student for the 2018-  
1715 2019 fiscal year, multiplied by the estimated number of charter  
1716 school students for the applicable fiscal year, and adjusted by  
1717 changes in the Consumer Price Index issued by the United States  
1718 Department of Labor from the previous fiscal year. Nothing in  
1719 this subsection prohibits a school district from distributing to

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1720 charter schools funds resulting from the discretionary millage  
1721 authorized in s. 1011.71(2).

1722 (a) To be eligible to receive capital outlay funds, a  
1723 charter school must:

1724 1.a. Have been in operation for 2 or more years;

1725 b. Be governed by a governing board established in the  
1726 state for 2 or more years which operates both charter schools  
1727 and conversion charter schools within the state;

1728 c. Be an expanded feeder chain of a charter school within  
1729 the same school district that is currently receiving charter  
1730 school capital outlay funds;

1731 d. Have been accredited by a regional accrediting  
1732 association as defined by State Board of Education rule; ~~or~~

1733 e. Serve students in facilities that are provided by a  
1734 business partner for a charter school-in-the-workplace pursuant  
1735 to s. 1002.33(15) (b); or

1736 f. Be operated by a hope operator pursuant to s. 1002.333.

1737 2. Have an annual audit that does not reveal any of the  
1738 financial emergency conditions provided in s. 218.503(1) for the  
1739 most recent fiscal year for which such audit results are  
1740 available.

1741 3. Have satisfactory student achievement based on state  
1742 accountability standards applicable to the charter school.

1743 4. Have received final approval from its sponsor pursuant  
1744 to s. 1002.33 for operation during that fiscal year.

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1745 5. Serve students in facilities that are not provided by  
1746 the charter school's sponsor.

1747 Section 15. This act shall take effect July 1, 2021.

1748 -----  
1749 -----

1750 **T I T L E A M E N D M E N T**

1751 Remove everything before the enacting clause and insert:

1752 A bill to be entitled

1753 An act relating to education; amending s. 1001.35,  
1754 F.S.; providing district school board member term  
1755 limits; prohibiting certain service from counting  
1756 toward the limit; amending s. 1002.32, F.S.; revising  
1757 the charter lab schools exempted from a certain  
1758 limitation; providing that the limitation on lab  
1759 schools does not apply certain schools serving a  
1760 military installation; amending s. 1002.321, F.S.;  
1761 conforming a provision to changes made by the act;  
1762 amending s. 1002.33, F.S.; authorizing state  
1763 universities and Florida College System institutions  
1764 to solicit applications for and sponsor charter  
1765 schools under certain circumstances; authorizing a  
1766 state university or Florida College System institution  
1767 to, at its discretion, deny an application for a  
1768 charter school; prohibiting certain interlocal  
1769 agreements; revising the contents of an annual report

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1770 that charter school sponsors must provide to the  
1771 Department of Education; revising the date by which  
1772 the department must post a specified annual report;  
1773 requiring certain school districts to reduce  
1774 administrative fees withheld; requiring such school  
1775 districts to file certain monthly reports; authorizing  
1776 such school districts to resume withholding full  
1777 amount of administrative fees under specified  
1778 circumstance; authorizing certain charter schools to  
1779 recover attorney fees and costs; authorizing parties  
1780 to appeal without first mediating in certain  
1781 circumstances; providing that certain changes to  
1782 curriculum are deemed approved; providing an  
1783 exception; revising the circumstances in which a  
1784 charter may be immediately terminated; providing that  
1785 certain information must be provided to specified  
1786 entities upon immediate termination; authorizing the  
1787 of award specified fees and costs in certain  
1788 circumstances; authorizing a sponsor to seek an  
1789 injunction in certain circumstances; revising  
1790 provisions related to sponsor assumption of operation;  
1791 revising provisions relating to Florida College System  
1792 institutions that are operating charter schools;  
1793 requiring the board of trustees of a state university  
1794 or Florida College System institution that is

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1795 sponsoring a charter school to serve as the local  
1796 educational agency for such school; prohibiting  
1797 certain charter school students from being included in  
1798 specified school district grade calculations;  
1799 requiring the department to develop a sponsor  
1800 evaluation framework; providing requirements for the  
1801 framework; deleting obsolete language; revising the  
1802 student populations for which a charter school is  
1803 authorized to give enrollment preference and limit the  
1804 enrollment process; providing a calculation for the  
1805 operational funding for a charter school sponsored by  
1806 a state university or Florida College System  
1807 institution; requiring the department to develop a  
1808 tool for state universities and Florida College System  
1809 institutions for specified purposes relating to  
1810 certain funding calculations; providing that such  
1811 funding must be appropriated to the charter school;  
1812 providing for capital outlay funding for such schools;  
1813 specifying an administrative fee for certain schools;  
1814 conforming provisions to changes made by the act;  
1815 amending s. 1002.331, F.S.; revising requirements for  
1816 a charter school to be a high-performing charter  
1817 school; revising a limitation on the expansion of  
1818 high-performing charter schools; revising a limitation  
1819 on the establishment of charter schools by a high-

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1820 performing charter school; amending s. 1002.333, F.S.;

1821 revising the definition of the term "persistently low-

1822 performing school"; authorizing certain entities to be

1823 designated as a local education agency by the

1824 department; authorizing such entities to report

1825 students in a specified manner; providing requirements

1826 for nonprofit entities operating schools of hope;

1827 revising procedures for the reporting of certain

1828 surplus facilities; authorizing certain nonprofit

1829 entities to use specified funds within the same school

1830 district; providing how such funds may be used;

1831 amending s. 1002.45, F.S.; authorizing virtual charter

1832 schools to provide part-time instruction; revising

1833 requirements for contact; amending s. 1002.455, F.S.;

1834 conforming a provision to changes made by the act;

1835 amending s. 1003.42, F.S.; requiring character

1836 development curriculum for certain grades to include

1837 instruction on voting using specified ballot; amending

1838 s. 1003.433, F.S.; authorizing certain students to

1839 meet the grade 10 English Language Arts assessment

1840 requirements in a specified manner; amending s

1841 1003.493, F.S.; authorizing a career and professional

1842 academy to be offered by a charter school; amending s.

1843 1008.3415, F.S.; authorizing certain exceptional

1844 student education centers to replicate their

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1845 | educational programs; requiring the Commissioner of  
1846 | Education to verify certain information and provide a  
1847 | letter to specified entities; amending s. 1012.32,  
1848 | F.S.; specifying that existing background screening  
1849 | requirements do not apply to schools of hope;  
1850 | providing background screening requirements for  
1851 | schools of hope; amending s. 1013.62, F.S.;  
1852 | authorizing certain schools of hope to receive capital  
1853 | outlay funding; providing an effective date.

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