



608684

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2021	.	
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The Committee on Appropriations (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (2) and paragraph (a) of subsection
(9) of section 1002.32, Florida Statutes, are amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of
public schools to be known as developmental research
(laboratory) schools (lab schools). Each lab school shall



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11 provide sequential instruction and shall be affiliated with the
12 college of education within the state university of closest
13 geographic proximity. A lab school to which a charter has been
14 issued under s. 1002.33(5)(a)2. must be affiliated with the
15 college of education within the state university that issued the
16 charter, but is not subject to the requirement that the state
17 university be of closest geographic proximity. For the purpose
18 of state funding, Florida Agricultural and Mechanical
19 University, Florida Atlantic University, Florida State
20 University, the University of Florida, and other universities
21 approved by the State Board of Education and the Legislature are
22 authorized to sponsor a lab school. The limitation of one lab
23 school per university shall not apply to the following
24 legislatively allowed charter lab schools ~~authorized prior to~~
25 ~~June 1, 2003~~: Florida State University Charter Lab K-12 School
26 in Broward County, Florida Atlantic University Charter Lab K-12
27 ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic
28 University Charter Lab K-12 School in St. Lucie County. The
29 limitation of one lab school per university does not apply to a
30 university that establishes a lab school to serve families of a
31 military installation that is within the same county as a branch
32 campus that offers programs from the university's college of
33 education.

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

36 (a) Each lab school shall be allocated its proportional
37 share of operating funds from the Florida Education Finance
38 Program as provided in s. 1011.62 based on the county in which
39 the lab school is located and the General Appropriations Act.



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40 The nonvoted ad valorem millage that would otherwise be required
41 for lab schools shall be allocated from state funds. The
42 required local effort funds calculated pursuant to s. 1011.62
43 shall be allocated from state funds to the schools as a part of
44 the allocation of operating funds pursuant to s. 1011.62. Each
45 eligible lab school ~~in operation as of September 1, 2013,~~ with a
46 permanent high school center shall also receive a proportional
47 share of the sparsity supplement as calculated pursuant to s.
48 1011.62. In addition, each lab school shall receive its
49 proportional share of all categorical funds, with the exception
50 of s. 1011.68, and new categorical funds enacted after July 1,
51 1994, for the purpose of elementary or secondary academic
52 program enhancement. The sum of funds available as provided in
53 this paragraph shall be included annually in the Florida
54 Education Finance Program and appropriate categorical programs
55 funded in the General Appropriations Act.

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

65 1002.33 Charter schools.—

66 (2) GUIDING PRINCIPLES; PURPOSE.—

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

68 1. Create innovative measurement tools.



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69 2. Provide rigorous competition within the public school
70 system ~~district~~ to stimulate continual improvement in all public
71 schools.

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

73 4. Mitigate the educational impact created by the
74 development of new residential dwelling units.

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

77 (5) SPONSOR; DUTIES.—

78 (a) *Sponsoring entities*.—

79 1. A district school board may sponsor a charter school in
80 the county over which the district school board has
81 jurisdiction.

82 2. A state university may grant a charter to a lab school
83 created under s. 1002.32 and shall be considered to be the
84 school's sponsor. Such school shall be considered a charter lab
85 school.

86 3. Because needs relating to educational capacity,
87 workforce qualifications, and career education opportunities are
88 constantly changing and extend beyond school district
89 boundaries:

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

94 b. A Florida College System institution may, upon approval
95 by the Department of Education, solicit applications and sponsor
96 a charter school in any county within its service area to meet
97 workforce demands and may offer postsecondary programs leading



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98 to industry certifications to eligible charter school students.
99 A charter school established under subparagraph (b)4. may not be
100 sponsored by a Florida College System institution until its
101 existing charter with the school district expires as provided
102 under subsection (7).

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

106 (b) *Sponsor duties.*—

107 1.a. The sponsor shall monitor and review the charter
108 school in its progress toward the goals established in the
109 charter.

110 b. The sponsor shall monitor the revenues and expenditures
111 of the charter school and perform the duties provided in s.
112 1002.345.

113 c. The sponsor may approve a charter for a charter school
114 before the applicant has identified space, equipment, or
115 personnel, if the applicant indicates approval is necessary for
116 it to raise working funds.

117 d. The sponsor shall not apply its policies to a charter
118 school unless mutually agreed to by both the sponsor and the
119 charter school. If the sponsor subsequently amends any agreed-
120 upon sponsor policy, the version of the policy in effect at the
121 time of the execution of the charter, or any subsequent
122 modification thereof, shall remain in effect and the sponsor may
123 not hold the charter school responsible for any provision of a
124 newly revised policy until the revised policy is mutually agreed
125 upon.

126 e. The sponsor shall ensure that the charter is innovative



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127 and consistent with the state education goals established by s.
128 1000.03(5).

129 f. The sponsor shall ensure that the charter school
130 participates in the state's education accountability system. If
131 a charter school falls short of performance measures included in
132 the approved charter, the sponsor shall report such shortcomings
133 to the Department of Education.

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

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

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

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

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

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

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

152 ~~(B)~~ The number of ~~final~~ applications received during the
153 school year and up to ~~on or before~~ August 1 and each applicant's
154 contact information.

155 (B) ~~(C)~~ The date each application was approved, denied, or



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156 withdrawn.

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

158 ~~(II) Annually, by November 1 Beginning August 31, 2013, and~~
159 ~~each year thereafter,~~ the sponsor shall submit to the department
160 the information for the applications submitted the previous
161 year.

162 (III) The department shall compile an annual report, by
163 sponsor district, and post the report on its website by January
164 15 November 1 of each year.

165 2. Immunity for the sponsor of a charter school under
166 subparagraph 1. applies only with respect to acts or omissions
167 not under the sponsor's direct authority as described in this
168 section.

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

171 4. A Florida College System institution may work with the
172 school district or school districts in its designated service
173 area to develop charter schools that offer secondary education.
174 These charter schools must include an option for students to
175 receive an associate degree upon high school graduation. If a
176 Florida College System institution operates an approved teacher
177 preparation program under s. 1004.04 or s. 1004.85, the
178 institution may operate ~~no more than one~~ charter schools ~~school~~
179 that serve ~~serves~~ students in kindergarten through grade 12 in
180 any school district within the service area of the institution.
181 ~~In kindergarten through grade 8, the charter school shall~~
182 ~~implement innovative blended learning instructional models in~~
183 ~~which, for a given course, a student learns in part through~~
184 ~~online delivery of content and instruction with some element of~~



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185 ~~student control over time, place, path, or pace and in part at a~~
186 ~~supervised brick-and-mortar location away from home. A student~~
187 ~~in a blended learning course must be a full-time student of the~~
188 ~~charter school and receive the online instruction in a classroom~~
189 ~~setting at the charter school.~~ District school boards shall
190 cooperate with and assist the Florida College System institution
191 on the charter application. Florida College System institution
192 applications for charter schools are not subject to the time
193 deadlines outlined in subsection (6) and may be approved by the
194 district school board at any time during the year. Florida
195 College System institutions may not report FTE for any students
196 participating under this subparagraph who receive FTE funding
197 through the Florida Education Finance Program.

198 5. For purposes of assisting the development of a charter
199 school, a school district may enter into nonexclusive interlocal
200 agreements with federal and state agencies, counties,
201 municipalities, and other governmental entities that operate
202 within the geographical borders of the school district to act on
203 behalf of such governmental entities in the inspection,
204 issuance, and other necessary activities for all necessary
205 permits, licenses, and other permissions that a charter school
206 needs in order for development, construction, or operation. A
207 charter school may use, but may not be required to use, a school
208 district for these services. The interlocal agreement must
209 include, but need not be limited to, the identification of fees
210 that charter schools will be charged for such services. The fees
211 must consist of the governmental entity's fees plus a fee for
212 the school district to recover no more than actual costs for
213 providing such services. These services and fees are not



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214 included within the services to be provided pursuant to
215 subsection (20). Notwithstanding any other provision of law, an
216 interlocal agreement between a school district and a federal or
217 state agency, county, municipality, or other governmental entity
218 which prohibits or limits the creation of a charter school
219 within the geographic borders of the school district is void and
220 unenforceable.

221 6. The board of trustees of a sponsoring state university
222 or Florida College System institution under paragraph (a) is the
223 local educational agency for all charter schools it sponsors for
224 purposes of receiving federal funds and accepts full
225 responsibility for all local educational agency requirements and
226 the schools for which it will perform local educational agency
227 responsibilities. A student enrolled in a charter school that is
228 sponsored by a state university or Florida College System
229 institution may not be included in the calculation of the school
230 district's grade under s. 1008.34(5) for the school district in
231 which he or she resides.

232 (c) Sponsor accountability.-

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

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

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

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

242 d. The status of charter schools authorized by the sponsor,



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243 including approved, operating, and closed schools.

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

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

249 (b) A sponsor shall receive and review all applications for
250 a charter school using the evaluation instrument developed by
251 the Department of Education. ~~A sponsor shall receive and~~
252 ~~consider charter school applications received on or before~~
253 ~~August 1 of each calendar year for charter schools to be opened~~
254 ~~at the beginning of the school district's next school year, or~~
255 ~~to be opened at a time agreed to by the applicant and the~~
256 ~~sponsor. A sponsor may not refuse to receive a charter school~~
257 ~~application submitted before August 1 and may receive an~~
258 ~~application submitted later than August 1 if it chooses.~~
259 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and
260 consider charter school applications ~~received on or before~~
261 ~~February 1 of each calendar year for charter schools to be~~
262 ~~opened 18 months later at the beginning of the school district's~~
263 ~~school year, or to be opened at a time determined by the~~
264 ~~applicant. A sponsor may not refuse to receive a charter school~~
265 ~~application submitted before February 1 and may receive an~~
266 ~~application submitted later than February 1 if it chooses. A~~
267 sponsor may not charge an applicant for a charter any fee for
268 the processing or consideration of an application, and a sponsor
269 may not base its consideration or approval of a final
270 application upon the promise of future payment of any kind.
271 Before approving or denying any application, the sponsor shall



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272 allow the applicant, upon receipt of written notification, at
273 least 7 calendar days to make technical or nonsubstantive
274 corrections and clarifications, including, but not limited to,
275 corrections of grammatical, typographical, and like errors or
276 missing signatures, if such errors are identified by the sponsor
277 as cause to deny the final application.

278 1. In order to facilitate an accurate budget projection
279 process, a sponsor shall be held harmless for FTE students who
280 are not included in the FTE projection due to approval of
281 charter school applications after the FTE projection deadline.
282 In a further effort to facilitate an accurate budget projection,
283 within 15 calendar days after receipt of a charter school
284 application, a sponsor shall report to the Department of
285 Education the name of the applicant entity, the proposed charter
286 school location, and its projected FTE.

287 2. In order to ensure fiscal responsibility, an application
288 for a charter school shall include a full accounting of expected
289 assets, a projection of expected sources and amounts of income,
290 including income derived from projected student enrollments and
291 from community support, and an expense projection that includes
292 full accounting of the costs of operation, including start-up
293 costs.

294 3.a. A sponsor shall by a majority vote approve or deny an
295 application no later than 90 calendar days after the application
296 is received, unless the sponsor and the applicant mutually agree
297 in writing to temporarily postpone the vote to a specific date,
298 at which time the sponsor shall by a majority vote approve or
299 deny the application. If the sponsor fails to act on the
300 application, an applicant may appeal to the State Board of



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301 Education as provided in paragraph (c). If an application is
302 denied, the sponsor shall, within 10 calendar days after such
303 denial, articulate in writing the specific reasons, based upon
304 good cause, supporting its denial of the application and shall
305 provide the letter of denial and supporting documentation to the
306 applicant and to the Department of Education.

307 b. An application submitted by a high-performing charter
308 school identified pursuant to s. 1002.331 or a high-performing
309 charter school system identified pursuant to s. 1002.332 may be
310 denied by the sponsor only if the sponsor demonstrates by clear
311 and convincing evidence that:

312 (I) The application of a high-performing charter school
313 does not materially comply with the requirements in paragraph
314 (a) or, for a high-performing charter school system, the
315 application does not materially comply with s. 1002.332(2)(b);

316 (II) The charter school proposed in the application does
317 not materially comply with the requirements in paragraphs
318 (9)(a)-(f);

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

322 (IV) The applicant has made a material misrepresentation or
323 false statement or concealed an essential or material fact
324 during the application process; or

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

328
329 Material noncompliance is a failure to follow requirements or a



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330 violation of prohibitions applicable to charter school
331 applications, which failure is quantitatively or qualitatively
332 significant either individually or when aggregated with other
333 noncompliance. An applicant is considered to be replicating a
334 high-performing charter school if the proposed school is
335 substantially similar to at least one of the applicant's high-
336 performing charter schools and the organization or individuals
337 involved in the establishment and operation of the proposed
338 school are significantly involved in the operation of replicated
339 schools.

340 c. If the sponsor denies an application submitted by a
341 high-performing charter school or a high-performing charter
342 school system, the sponsor must, within 10 calendar days after
343 such denial, state in writing the specific reasons, based upon
344 the criteria in sub-subparagraph b., supporting its denial of
345 the application and must provide the letter of denial and
346 supporting documentation to the applicant and to the Department
347 of Education. The applicant may appeal the sponsor's denial of
348 the application in accordance with paragraph (c).

349 4. For budget projection purposes, the sponsor shall report
350 to the Department of Education the approval or denial of an
351 application within 10 calendar days after such approval or
352 denial. In the event of approval, the report to the Department
353 of Education shall include the final projected FTE for the
354 approved charter school.

355 ~~5. Upon approval of an application, the initial startup~~
356 ~~shall commence with the beginning of the public school calendar~~
357 ~~for the district in which the charter is granted.~~ A charter
358 school may defer the opening of the school's operations for up



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359 to 3 years to provide time for adequate facility planning. The
360 charter school must provide written notice of such intent to the
361 sponsor and the parents of enrolled students at least 30
362 calendar days before the first day of school.

363 (d)1. The sponsor shall act upon the decision of the State
364 Board of Education within 30 calendar days after it is received.
365 The State Board of Education's decision is a final action
366 subject to judicial review in the district court of appeal. A
367 prevailing party may file an action with the Division of
368 Administrative Hearings to recover reasonable attorney fees and
369 costs incurred during the denial of the application and any
370 appeals.

371 2. A school district that fails to implement the decision
372 affirmed by a district court of appeal shall reduce the
373 administrative fees withheld pursuant to subsection (20) to 1
374 percent for all charter schools operating in the school
375 district. Such school districts shall file a monthly report
376 detailing the reduction in the amount of administrative fees
377 withheld. Upon execution of the charter, the sponsor may resume
378 withholding the full amount of administrative fees but may not
379 recover any fees that would have otherwise accrued during the
380 period of noncompliance. Any charter school that had
381 administrative fees withheld in violation of this paragraph may
382 recover attorney fees and costs to enforce the requirements of
383 this paragraph.

384 (7) CHARTER.—The terms and conditions for the operation of
385 a charter school shall be set forth by the sponsor and the
386 applicant in a written contractual agreement, called a charter.
387 The sponsor and the governing board of the charter school shall



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388 use the standard charter contract pursuant to subsection (21),
389 which shall incorporate the approved application and any addenda
390 approved with the application. Any term or condition of a
391 proposed charter contract that differs from the standard charter
392 contract adopted by rule of the State Board of Education shall
393 be presumed a limitation on charter school flexibility. The
394 sponsor may not impose unreasonable rules or regulations that
395 violate the intent of giving charter schools greater flexibility
396 to meet educational goals. The charter shall be signed by the
397 governing board of the charter school and the sponsor, following
398 a public hearing to ensure community input.

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

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

403 2. The focus of the curriculum, the instructional methods
404 to be used, any distinctive instructional techniques to be
405 employed, and identification and acquisition of appropriate
406 technologies needed to improve educational and administrative
407 performance which include a means for promoting safe, ethical,
408 and appropriate uses of technology which comply with legal and
409 professional standards.

410 a. The charter shall ensure that reading is a primary focus
411 of the curriculum and that resources are provided to identify
412 and provide specialized instruction for students who are reading
413 below grade level. The curriculum and instructional strategies
414 for reading must be consistent with the Next Generation Sunshine
415 State Standards and grounded in scientifically based reading
416 research.



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417 b. In order to provide students with access to diverse
418 instructional delivery models, to facilitate the integration of
419 technology within traditional classroom instruction, and to
420 provide students with the skills they need to compete in the
421 21st century economy, the Legislature encourages instructional
422 methods for blended learning courses consisting of both
423 traditional classroom and online instructional techniques.
424 Charter schools may implement blended learning courses which
425 combine traditional classroom instruction and virtual
426 instruction. Students in a blended learning course must be full-
427 time students of the charter school pursuant to s.
428 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
429 1012.55 who provide virtual instruction for blended learning
430 courses may be employees of the charter school or may be under
431 contract to provide instructional services to charter school
432 students. At a minimum, such instructional personnel must hold
433 an active state or school district adjunct certification under
434 s. 1012.57 for the subject area of the blended learning course.
435 The funding and performance accountability requirements for
436 blended learning courses are the same as those for traditional
437 courses.

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

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

444 b. How these baseline rates will be compared to rates of
445 academic progress achieved by these same students while



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446 attending the charter school.

447 c. To the extent possible, how these rates of progress will
448 be evaluated and compared with rates of progress of other
449 closely comparable student populations.

450

451 A ~~The~~ district school board is required to provide academic
452 student performance data to charter schools for each of their
453 students coming from the district school system, as well as
454 rates of academic progress of comparable student populations in
455 the district school system.

456 4. The methods used to identify the educational strengths
457 and needs of students and how well educational goals and
458 performance standards are met by students attending the charter
459 school. The methods shall provide a means for the charter school
460 to ensure accountability to its constituents by analyzing
461 student performance data and by evaluating the effectiveness and
462 efficiency of its major educational programs. Students in
463 charter schools shall, at a minimum, participate in the
464 statewide assessment program created under s. 1008.22.

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

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

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

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



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

477 9. The financial and administrative management of the
478 school, including a reasonable demonstration of the professional
479 experience or competence of those individuals or organizations
480 applying to operate the charter school or those hired or
481 retained to perform such professional services and the
482 description of clearly delineated responsibilities and the
483 policies and practices needed to effectively manage the charter
484 school. A description of internal audit procedures and
485 establishment of controls to ensure that financial resources are
486 properly managed must be included. Both public sector and
487 private sector professional experience shall be equally valid in
488 such a consideration.

489 10. The asset and liability projections required in the
490 application which are incorporated into the charter and shall be
491 compared with information provided in the annual report of the
492 charter school.

493 11. A description of procedures that identify various risks
494 and provide for a comprehensive approach to reduce the impact of
495 losses; plans to ensure the safety and security of students and
496 staff; plans to identify, minimize, and protect others from
497 violent or disruptive student behavior; and the manner in which
498 the school will be insured, including whether or not the school
499 will be required to have liability insurance, and, if so, the
500 terms and conditions thereof and the amounts of coverage.

501 12. The term of the charter which shall provide for
502 cancellation of the charter if insufficient progress has been
503 made in attaining the student achievement objectives of the



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504 charter and if it is not likely that such objectives can be
505 achieved before expiration of the charter. The initial term of a
506 charter shall be for 5 years, excluding 2 planning years. In
507 order to facilitate access to long-term financial resources for
508 charter school construction, charter schools that are operated
509 by a municipality or other public entity as provided by law are
510 eligible for up to a 15-year charter, subject to approval by the
511 sponsor ~~district school board~~. A charter lab school is eligible
512 for a charter for a term of up to 15 years. In addition, to
513 facilitate access to long-term financial resources for charter
514 school construction, charter schools that are operated by a
515 private, not-for-profit, s. 501(c)(3) status corporation are
516 eligible for up to a 15-year charter, subject to approval by the
517 sponsor ~~district school board~~. Such long-term charters remain
518 subject to annual review and may be terminated during the term
519 of the charter, but only according to the provisions set forth
520 in subsection (8).

521 13. The facilities to be used and their location. The
522 sponsor may not require a charter school to have a certificate
523 of occupancy or a temporary certificate of occupancy for such a
524 facility earlier than 15 calendar days before the first day of
525 school.

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

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

532 16. A timetable for implementing the charter which



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533 addresses the implementation of each element thereof and the
534 date by which the charter shall be awarded in order to meet this
535 timetable.

536 17. In the case of an existing public school that is being
537 converted to charter status, alternative arrangements for
538 current students who choose not to attend the charter school and
539 for current teachers who choose not to teach in the charter
540 school after conversion in accordance with the existing
541 collective bargaining agreement or district school board rule in
542 the absence of a collective bargaining agreement. However,
543 alternative arrangements shall not be required for current
544 teachers who choose not to teach in a charter lab school, except
545 as authorized by the employment policies of the state university
546 which grants the charter to the lab school.

547 18. Full disclosure of the identity of all relatives
548 employed by the charter school who are related to the charter
549 school owner, president, chairperson of the governing board of
550 directors, superintendent, governing board member, principal,
551 assistant principal, or any other person employed by the charter
552 school who has equivalent decisionmaking authority. For the
553 purpose of this subparagraph, the term "relative" means father,
554 mother, son, daughter, brother, sister, uncle, aunt, first
555 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
556 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
557 stepfather, stepmother, stepson, stepdaughter, stepbrother,
558 stepsister, half brother, or half sister.

559 19. Implementation of the activities authorized under s.
560 1002.331 by the charter school when it satisfies the eligibility
561 requirements for a high-performing charter school. A high-



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562 performing charter school shall notify its sponsor in writing by
563 March 1 if it intends to increase enrollment or expand grade
564 levels the following school year. The written notice shall
565 specify the amount of the enrollment increase and the grade
566 levels that will be added, as applicable.

567 (b) The sponsor has 30 days after approval of the
568 application to provide an initial proposed charter contract to
569 the charter school. The applicant and the sponsor have 40 days
570 thereafter to negotiate and notice the charter contract for
571 final approval by the sponsor unless both parties agree to an
572 extension. The proposed charter contract shall be provided to
573 the charter school at least 7 calendar days before the date of
574 the meeting at which the charter is scheduled to be voted upon
575 by the sponsor. The Department of Education shall provide
576 mediation services for any dispute regarding this section
577 subsequent to the approval of a charter application and for any
578 dispute relating to the approved charter, except a dispute
579 regarding a charter school application denial. If either the
580 charter school or the sponsor indicates in writing that the
581 party does not desire to settle any dispute arising under this
582 section through mediation procedures offered by the Department
583 of Education, a charter school may immediately appeal any formal
584 or informal decision by the sponsor to an administrative law
585 judge appointed by the Division of Administrative Hearings. If
586 the Commissioner of Education determines that the dispute cannot
587 be settled through mediation, the dispute may also be appealed
588 to an administrative law judge appointed by the Division of
589 Administrative Hearings. The administrative law judge has final
590 order authority to rule on issues of equitable treatment of the



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591 charter school as a public school, whether proposed provisions
592 of the charter violate the intended flexibility granted charter
593 schools by statute, or any other matter regarding this section,
594 except a dispute regarding charter school application denial, a
595 charter termination, or a charter nonrenewal. The administrative
596 law judge shall award the prevailing party reasonable attorney
597 fees and costs incurred during the mediation process,
598 administrative proceeding, and any appeals, to be paid by the
599 party whom the administrative law judge rules against.

600 (d) A charter may be modified during its initial term or
601 any renewal term upon the recommendation of the sponsor or the
602 charter school's governing board and the approval of both
603 parties to the agreement. Changes to curriculum which are
604 consistent with state standards and are necessary to implement
605 blended learning shall be deemed approved unless the sponsor
606 determines in writing that the curriculum is inconsistent with
607 state standards. Modification during any term may include, but
608 is not limited to, consolidation of multiple charters into a
609 single charter if the charters are operated under the same
610 governing board, regardless of the renewal cycle. A charter
611 school that is not subject to a school improvement plan and that
612 closes as part of a consolidation shall be reported by the
613 sponsor ~~school district~~ as a consolidation.

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

615 (c) A charter may be terminated immediately if the sponsor
616 sets forth in writing the particular facts and circumstances
617 demonstrating indicating that an immediate and serious danger to
618 the health, safety, or welfare of the charter school's students
619 exists, that the immediate and serious danger is likely to



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620 continue, and that an immediate termination of the charter is
621 necessary. The sponsor's determination is subject to the
622 procedures set forth in paragraph (b), except that the hearing
623 may take place after the charter has been terminated. The
624 sponsor shall notify in writing the charter school's governing
625 board, the charter school principal, and the department of the
626 facts and circumstances supporting the immediate termination ~~if~~
627 ~~a charter is terminated immediately.~~ The sponsor shall clearly
628 identify the specific issues that resulted in the immediate
629 termination and provide evidence of prior notification of issues
630 resulting in the immediate termination, if applicable ~~when~~
631 ~~appropriate.~~ Upon receiving written notice from the sponsor, the
632 charter school's governing board has 10 calendar days to request
633 a hearing. A requested hearing must be expedited and the final
634 order must be issued within 60 days after the date of request.
635 The administrative law judge shall award reasonable attorney
636 fees and costs to the prevailing party of any injunction,
637 administrative proceeding, or appeal. The sponsor may seek an
638 injunction in the circuit court in which the charter school is
639 located to enjoin continued operation of the charter school if
640 ~~shall assume operation of the charter school throughout the~~
641 ~~pendency of the hearing under paragraph (b) unless the continued~~
642 ~~operation of the charter school~~ would materially threaten the
643 health, safety, or welfare of the students. ~~Failure by the~~
644 ~~sponsor to assume and continue operation of the charter school~~
645 ~~shall result in the awarding of reasonable costs and attorney's~~
646 ~~fees to the charter school if the charter school prevails on~~
647 ~~appeal.~~

648 (d) When a charter is not renewed or is terminated, the



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649 school shall be dissolved under the provisions of law under
650 which the school was organized, and any unencumbered public
651 funds, except for capital outlay funds and federal charter
652 school program grant funds, from the charter school shall revert
653 to the sponsor. Capital outlay funds provided pursuant to s.
654 1013.62 and federal charter school program grant funds that are
655 unencumbered shall revert to the department to be redistributed
656 among eligible charter schools. In the event a charter school is
657 dissolved or is otherwise terminated, all sponsor ~~district~~
658 ~~school board~~ property and improvements, furnishings, and
659 equipment purchased with public funds shall automatically revert
660 to full ownership by the sponsor ~~district school board~~, subject
661 to complete satisfaction of any lawful liens or encumbrances.
662 Any unencumbered public funds from the charter school, ~~district~~
663 ~~school board~~ property and improvements, furnishings, and
664 equipment purchased with public funds, or financial or other
665 records pertaining to the charter school, in the possession of
666 any person, entity, or holding company, other than the charter
667 school, shall be held in trust upon the sponsor's ~~district~~
668 ~~school board's~~ request, until any appeal status is resolved.

669 (e) If a charter is not renewed or is terminated, the
670 charter school is responsible for all debts of the charter
671 school. The sponsor ~~district~~ may not assume the debt from any
672 contract made between the governing body of the school and a
673 third party, except for a debt that is previously detailed and
674 agreed upon in writing by both the sponsor ~~district~~ and the
675 governing body of the school and that may not reasonably be
676 assumed to have been satisfied by the sponsor ~~district~~.

677 (9) CHARTER SCHOOL REQUIREMENTS.—



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678 (g)1. In order to provide financial information that is
679 comparable to that reported for other public schools, charter
680 schools are to maintain all financial records that constitute
681 their accounting system:

682 a. In accordance with the accounts and codes prescribed in
683 the most recent issuance of the publication titled "Financial
684 and Program Cost Accounting and Reporting for Florida Schools";
685 or

686 b. At the discretion of the charter school's governing
687 board, a charter school may elect to follow generally accepted
688 accounting standards for not-for-profit organizations, but must
689 reformat this information for reporting according to this
690 paragraph.

691 2. Charter schools shall provide annual financial report
692 and program cost report information in the state-required
693 formats for inclusion in sponsor ~~district~~ reporting in
694 compliance with s. 1011.60(1). Charter schools that are operated
695 by a municipality or are a component unit of a parent nonprofit
696 organization may use the accounting system of the municipality
697 or the parent but must reformat this information for reporting
698 according to this paragraph.

699 3. A charter school shall, upon approval of the charter
700 contract, provide the sponsor with a concise, uniform, monthly
701 financial statement summary sheet that contains a balance sheet
702 and a statement of revenue, expenditures, and changes in fund
703 balance. The balance sheet and the statement of revenue,
704 expenditures, and changes in fund balance shall be in the
705 governmental funds format prescribed by the Governmental
706 Accounting Standards Board. A high-performing charter school



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707 pursuant to s. 1002.331 may provide a quarterly financial
708 statement in the same format and requirements as the uniform
709 monthly financial statement summary sheet. The sponsor shall
710 review each monthly or quarterly financial statement to identify
711 the existence of any conditions identified in s. 1002.345(1)(a).

712 4. A charter school shall maintain and provide financial
713 information as required in this paragraph. The financial
714 statement required in subparagraph 3. must be in a form
715 prescribed by the Department of Education.

716 (n)1. The director and a representative of the governing
717 board of a charter school that has earned a grade of "D" or "F"
718 pursuant to s. 1008.34 shall appear before the sponsor to
719 present information concerning each contract component having
720 noted deficiencies. The director and a representative of the
721 governing board shall submit to the sponsor for approval a
722 school improvement plan to raise student performance. Upon
723 approval by the sponsor, the charter school shall begin
724 implementation of the school improvement plan. The department
725 shall offer technical assistance and training to the charter
726 school and its governing board and establish guidelines for
727 developing, submitting, and approving such plans.

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

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

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



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736 (III) Reorganize the school under a new director or
737 principal who is authorized to hire new staff; or
738 (IV) Voluntarily close the charter school.
739 b. The charter school must implement the corrective action
740 in the school year following receipt of a third consecutive
741 grade below a "C."
742 c. The sponsor may annually waive a corrective action if it
743 determines that the charter school is likely to improve a letter
744 grade if additional time is provided to implement the
745 intervention and support strategies prescribed by the school
746 improvement plan. Notwithstanding this sub-subparagraph, a
747 charter school that earns a second consecutive grade of "F" is
748 subject to subparagraph 3.
749 d. A charter school is no longer required to implement a
750 corrective action if it improves to a "C" or higher. However,
751 the charter school must continue to implement strategies
752 identified in the school improvement plan. The sponsor must
753 annually review implementation of the school improvement plan to
754 monitor the school's continued improvement pursuant to
755 subparagraph 4.
756 e. A charter school implementing a corrective action that
757 does not improve to a "C" or higher after 2 full school years of
758 implementing the corrective action must select a different
759 corrective action. Implementation of the new corrective action
760 must begin in the school year following the implementation
761 period of the existing corrective action, unless the sponsor
762 determines that the charter school is likely to improve to a "C"
763 or higher if additional time is provided to implement the
764 existing corrective action. Notwithstanding this sub-



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765 subparagraph, a charter school that earns a second consecutive
766 grade of "F" while implementing a corrective action is subject
767 to subparagraph 3.

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

771 a. The charter school is established to turn around the
772 performance of a district public school pursuant to s.
773 1008.33(4)(b)2. Such charter schools shall be governed by s.
774 1008.33;

775 b. The charter school serves a student population the
776 majority of which resides in a school zone served by a district
777 public school subject to s. 1008.33(4) and the charter school
778 earns at least a grade of "D" in its third year of operation.
779 The exception provided under this sub-subparagraph does not
780 apply to a charter school in its fourth year of operation and
781 thereafter; or

782 c. The state board grants the charter school a waiver of
783 termination. The charter school must request the waiver within
784 15 days after the department's official release of school
785 grades. The state board may waive termination if the charter
786 school demonstrates that the Learning Gains of its students on
787 statewide assessments are comparable to or better than the
788 Learning Gains of similarly situated students enrolled in nearby
789 ~~district~~ public schools. The waiver is valid for 1 year and may
790 only be granted once. Charter schools that have been in
791 operation for more than 5 years are not eligible for a waiver
792 under this sub-subparagraph.

793



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794 The sponsor shall notify the charter school's governing board,
795 the charter school principal, and the department in writing when
796 a charter contract is terminated under this subparagraph. A
797 charter terminated under this subparagraph must follow the
798 procedures for dissolution and reversion of public funds
799 pursuant to paragraphs (8)(d)-(f) and (9)(o).

800 4. The director and a representative of the governing board
801 of a graded charter school that has implemented a school
802 improvement plan under this paragraph shall appear before the
803 sponsor at least once a year to present information regarding
804 the progress of intervention and support strategies implemented
805 by the school pursuant to the school improvement plan and
806 corrective actions, if applicable. The sponsor shall communicate
807 at the meeting, and in writing to the director, the services
808 provided to the school to help the school address its
809 deficiencies.

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

813 (10) ELIGIBLE STUDENTS.—

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

816 1. Students who are siblings of a student enrolled in the
817 charter school.

818 2. Students who are the children of a member of the
819 governing board of the charter school.

820 3. Students who are the children of an employee of the
821 charter school.

822 4. Students who are the children of:



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823 a. An employee of the business partner of a charter
824 school-in-the-workplace established under paragraph (15) (b) or a
825 resident of the municipality in which such charter school is
826 located; or

827 b. A resident or employee of a municipality that operates a
828 charter school-in-a-municipality pursuant to paragraph (15) (c)
829 or allows a charter school to use a school facility or portion
830 of land provided by the municipality for the operation of the
831 charter school.

832 5. Students who have successfully completed, during the
833 previous year, a voluntary prekindergarten education program
834 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
835 charter school's governing board, or a voluntary prekindergarten
836 provider that has a written agreement with the governing board
837 during the previous year.

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

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

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

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

845 2. Students considered at risk of dropping out of school or
846 academic failure. Such students shall include exceptional
847 education students.

848 3. Students enrolling in a charter school-in-the-workplace
849 or charter school-in-a-municipality established pursuant to
850 subsection (15).

851 4. Students residing within a reasonable distance of the



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852 charter school, as described in paragraph (20)(c). Such students
853 shall be subject to a random lottery and to the racial/ethnic
854 balance provisions described in subparagraph (7)(a)8. or any
855 federal provisions that require a school to achieve a
856 racial/ethnic balance reflective of the community it serves or
857 within the racial/ethnic range of other nearby public schools ~~in~~
858 ~~the same school district.~~

859 5. Students who meet reasonable academic, artistic, or
860 other eligibility standards established by the charter school
861 and included in the charter school application and charter or,
862 in the case of existing charter schools, standards that are
863 consistent with the school's mission and purpose. Such standards
864 shall be in accordance with current state law and practice in
865 public schools and may not discriminate against otherwise
866 qualified individuals.

867 6. Students articulating from one charter school to another
868 pursuant to an articulation agreement between the charter
869 schools that has been approved by the sponsor.

870 7. Students living in a development in which a developer,
871 including any affiliated business entity or charitable
872 foundation, contributes to the formation, acquisition,
873 construction, or operation of one or more charter schools or
874 charter ~~provides the school facilities facility~~ and related
875 property in an amount equal to or having a total ~~an~~ appraised
876 value of at least \$5 million to be used as ~~a~~ charter schools
877 ~~school~~ to mitigate the educational impact created by the
878 development of new residential dwelling units. Students living
879 in the development are ~~shall be~~ entitled to ~~no more than~~ 50
880 percent of the student stations in the charter schools ~~school~~.



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881 The students who are eligible for enrollment are subject to a
882 random lottery, the racial/ethnic balance provisions, or any
883 federal provisions, as described in subparagraph 4. The
884 remainder of the student stations must ~~shall~~ be filled in
885 accordance with subparagraph 4.

886 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION
887 OF THE STATE AND SPONSOR SCHOOL ~~SCHOOL-DISTRICT~~; CREDIT OR TAXING POWER
888 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or
889 otherwise secure funds for a charter school authorized in this
890 section from a source other than the state or a sponsor school
891 ~~district~~ shall indemnify the state and the sponsor school
892 ~~district~~ from any and all liability, including, but not limited
893 to, financial responsibility for the payment of the principal or
894 interest. Any loans, bonds, or other financial agreements are
895 not obligations of the state or the sponsor school ~~district~~ but
896 are obligations of the charter school authority and are payable
897 solely from the sources of funds pledged by such agreement. The
898 credit or taxing power of the state or the sponsor school
899 ~~district~~ shall not be pledged and no debts shall be payable out
900 of any moneys except those of the legal entity in possession of
901 a valid charter approved by a sponsor ~~district school board~~
902 pursuant to this section.

903 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-
904 A-MUNICIPALITY.—

905 (c) A charter school-in-a-municipality designation may be
906 granted to a municipality that possesses a charter; enrolls
907 students based upon a random lottery that involves all of the
908 children of the residents of that municipality who are seeking
909 enrollment, as provided for in subsection (10); and enrolls



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910 students according to the racial/ethnic balance provisions
911 described in subparagraph (7)(a)8. When a municipality has
912 submitted charter applications for the establishment of a
913 charter school feeder pattern, consisting of elementary, middle,
914 and senior high schools, and each individual charter application
915 is approved by the sponsor ~~district school board~~, such schools
916 shall then be designated as one charter school for all purposes
917 listed pursuant to this section. Any portion of the land and
918 facility used for a public charter school shall be exempt from
919 ad valorem taxes, as provided for in s. 1013.54, for the
920 duration of its use as a public school.

921 (17) FUNDING.—Students enrolled in a charter school,
922 regardless of the sponsorship, shall be funded as if they are in
923 a basic program or a special program, the same as students
924 enrolled in other public schools in a ~~the~~ school district.
925 Funding for a charter lab school shall be as provided in s.
926 1002.32.

927 (a) Each charter school shall report its student enrollment
928 to the sponsor as required in s. 1011.62, and in accordance with
929 the definitions in s. 1011.61. The sponsor shall include each
930 charter school's enrollment in the sponsor's ~~district's~~ report
931 of student enrollment. All charter schools submitting student
932 record information required by the Department of Education shall
933 comply with the Department of Education's guidelines for
934 electronic data formats for such data, and all sponsors
935 ~~districts~~ shall accept electronic data that complies with the
936 Department of Education's electronic format.

937 (b)1. The basis for the agreement for funding students
938 enrolled in a charter school shall be the sum of the school



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939 district's operating funds from the Florida Education Finance
940 Program as provided in s. 1011.62 and the General Appropriations
941 Act, including gross state and local funds, discretionary
942 lottery funds, and funds from the school district's current
943 operating discretionary millage levy; divided by total funded
944 weighted full-time equivalent students in the school district;
945 and multiplied by the weighted full-time equivalent students for
946 the charter school. Charter schools whose students or programs
947 meet the eligibility criteria in law are entitled to their
948 proportionate share of categorical program funds included in the
949 total funds available in the Florida Education Finance Program
950 by the Legislature, including transportation, the research-based
951 reading allocation, and the Florida digital classrooms
952 allocation. Total funding for each charter school shall be
953 recalculated during the year to reflect the revised calculations
954 under the Florida Education Finance Program by the state and the
955 actual weighted full-time equivalent students reported by the
956 charter school during the full-time equivalent student survey
957 periods designated by the Commissioner of Education. For charter
958 schools operated by a not-for-profit or municipal entity, any
959 unrestricted current and capital assets identified in the
960 charter school's annual financial audit may be used for other
961 charter schools operated by the not-for-profit or municipal
962 entity within the school district. Unrestricted current assets
963 shall be used in accordance with s. 1011.62, and any
964 unrestricted capital assets shall be used in accordance with s.
965 1013.62(2).

966 2.a. Students enrolled in a charter school sponsored by a
967 state university or Florida College System institution pursuant



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968 to paragraph (5) (a) shall be funded as if they are in a basic
969 program or a special program in the school district. The basis
970 for funding these students is the sum of the total operating
971 funds from the Florida Education Finance Program for the school
972 district in which the school is located as provided in s.
973 1011.62 and the General Appropriations Act, including gross
974 state and local funds, discretionary lottery funds, and funds
975 from each school district's current operating discretionary
976 millage levy, divided by total funded weighted full-time
977 equivalent students in the district, and multiplied by the full-
978 time equivalent membership of the charter school. The Department
979 of Education shall develop a tool that each state university or
980 Florida College System institution sponsoring a charter school
981 shall use for purposes of calculating the funding amount for
982 each eligible charter school student. The total amount obtained
983 from the calculation must be appropriated from state funds in
984 the General Appropriations Act to the charter school.

985 b. Capital outlay funding for a charter school sponsored by
986 a state university or Florida College System institution
987 pursuant to paragraph (5) (a) is determined pursuant to s.
988 1013.62 and the General Appropriations Act.

989 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
990 schools shall receive all federal funding for which the school
991 is otherwise eligible, including Title I funding, not later than
992 5 months after the charter school first opens and within 5
993 months after any subsequent expansion of enrollment. Unless
994 otherwise mutually agreed to by the charter school and its
995 sponsor, and consistent with state and federal rules and
996 regulations governing the use and disbursement of federal funds,



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997 the sponsor shall reimburse the charter school on a monthly
998 basis for all invoices submitted by the charter school for
999 federal funds available to the sponsor for the benefit of the
1000 charter school, the charter school's students, and the charter
1001 school's students as public school students in the school
1002 district. Such federal funds include, but are not limited to,
1003 Title I, Title II, and Individuals with Disabilities Education
1004 Act (IDEA) funds. To receive timely reimbursement for an
1005 invoice, the charter school must submit the invoice to the
1006 sponsor at least 30 days before the monthly date of
1007 reimbursement set by the sponsor. In order to be reimbursed, any
1008 expenditures made by the charter school must comply with all
1009 applicable state rules and federal regulations, including, but
1010 not limited to, the applicable federal Office of Management and
1011 Budget Circulars; the federal Education Department General
1012 Administrative Regulations; and program-specific statutes,
1013 rules, and regulations. Such funds may not be made available to
1014 the charter school until a plan is submitted to the sponsor for
1015 approval of the use of the funds in accordance with applicable
1016 federal requirements. The sponsor has 30 days to review and
1017 approve any plan submitted pursuant to this paragraph.

1018 (d) Charter schools shall be included by the Department of
1019 Education and the district school board in requests for federal
1020 stimulus funds in the same manner as district school board-
1021 operated public schools, including Title I and IDEA funds and
1022 shall be entitled to receive such funds. Charter schools are
1023 eligible to participate in federal competitive grants that are
1024 available as part of the federal stimulus funds.

1025 (e) Sponsors ~~District school boards~~ shall make timely and



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1026 efficient payment and reimbursement to charter schools,
1027 including processing paperwork required to access special state
1028 and federal funding for which they may be eligible. Payments of
1029 funds under paragraph (b) shall be made monthly or twice a
1030 month, beginning with the start of the sponsor's ~~district school~~
1031 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one
1032 twenty-fourth, as applicable, of the total state and local funds
1033 described in paragraph (b) and adjusted as set forth therein.
1034 For the first 2 years of a charter school's operation, if a
1035 minimum of 75 percent of the projected enrollment is entered
1036 into the sponsor's student information system by the first day
1037 of the current month, the sponsor ~~district school board~~ shall
1038 distribute funds to the school for the months of July through
1039 October based on the projected full-time equivalent student
1040 membership of the charter school as submitted in the approved
1041 application. If less than 75 percent of the projected enrollment
1042 is entered into the sponsor's student information system by the
1043 first day of the current month, the sponsor shall base payments
1044 on the actual number of student enrollment entered into the
1045 sponsor's student information system. Thereafter, the results of
1046 full-time equivalent student membership surveys shall be used in
1047 adjusting the amount of funds distributed monthly to the charter
1048 school for the remainder of the fiscal year. The payments shall
1049 be issued no later than 10 working days after the sponsor
1050 ~~district school board~~ receives a distribution of state or
1051 federal funds or the date the payment is due pursuant to this
1052 subsection. If a warrant for payment is not issued within 10
1053 working days after receipt of funding by the sponsor ~~district~~
1054 ~~school board~~, the sponsor ~~school district~~ shall pay to the



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1055 charter school, in addition to the amount of the scheduled
1056 disbursement, interest at a rate of 1 percent per month
1057 calculated on a daily basis on the unpaid balance from the
1058 expiration of the 10 working days until such time as the warrant
1059 is issued. The district school board may not delay payment to a
1060 charter school of any portion of the funds provided in paragraph
1061 (b) based on the timing of receipt of local funds by the
1062 district school board.

1063 (f) Funding for a virtual charter school shall be as
1064 provided in s. 1002.45(7).

1065 (g) To be eligible for public education capital outlay
1066 (PECO) funds, a charter school must be located in the State of
1067 Florida.

1068 (h) A charter school that implements a schoolwide standard
1069 student attire policy pursuant to s. 1011.78 is eligible to
1070 receive incentive payments.

1071 (18) FACILITIES.—

1072 (e) If a district school board facility or property is
1073 available because it is surplus, marked for disposal, or
1074 otherwise unused, it shall be provided for a charter school's
1075 use on the same basis as it is made available to other public
1076 schools in the district. A charter school receiving property
1077 from the sponsor ~~school-district~~ may not sell or dispose of such
1078 property without written permission of the sponsor ~~school-~~
1079 ~~district~~. Similarly, for an existing public school converting to
1080 charter status, no rental or leasing fee for the existing
1081 facility or for the property normally inventoried to the
1082 conversion school may be charged by the district school board to
1083 the parents and teachers organizing the charter school. The



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1084 charter school shall agree to reasonable maintenance provisions
1085 in order to maintain the facility in a manner similar to
1086 district school board standards. The Public Education Capital
1087 Outlay maintenance funds or any other maintenance funds
1088 generated by the facility operated as a conversion school shall
1089 remain with the conversion school.

1090 (20) SERVICES.—

1091 (a)1. A sponsor shall provide certain administrative and
1092 educational services to charter schools. These services shall
1093 include contract management services; full-time equivalent and
1094 data reporting services; exceptional student education
1095 administration services; services related to eligibility and
1096 reporting duties required to ensure that school lunch services
1097 under the National School Lunch Program, consistent with the
1098 needs of the charter school, are provided by the sponsor ~~school~~
1099 ~~district~~ at the request of the charter school, that any funds
1100 due to the charter school under the National School Lunch
1101 Program be paid to the charter school as soon as the charter
1102 school begins serving food under the National School Lunch
1103 Program, and that the charter school is paid at the same time
1104 and in the same manner under the National School Lunch Program
1105 as other public schools serviced by the sponsor or the school
1106 district; test administration services, including payment of the
1107 costs of state-required or district-required student
1108 assessments; processing of teacher certificate data services;
1109 and information services, including equal access to the
1110 sponsor's student information systems that are used by public
1111 schools in the district in which the charter school is located
1112 or by schools in the sponsor's portfolio of charter schools if



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1113 the sponsor is not a school district. Student performance data
1114 for each student in a charter school, including, but not limited
1115 to, FCAT scores, standardized test scores, previous public
1116 school student report cards, and student performance measures,
1117 shall be provided by the sponsor to a charter school in the same
1118 manner provided to other public schools in the district or by
1119 schools in the sponsor's portfolio of charter schools if the
1120 sponsor is not a school district.

1121 2. A sponsor may withhold an administrative fee for the
1122 provision of such services which shall be a percentage of the
1123 available funds defined in paragraph (17)(b) calculated based on
1124 weighted full-time equivalent students. If the charter school
1125 serves 75 percent or more exceptional education students as
1126 defined in s. 1003.01(3), the percentage shall be calculated
1127 based on unweighted full-time equivalent students. The
1128 administrative fee shall be calculated as follows:

1129 a. Up to 5 percent for:

1130 (I) Enrollment of up to and including 250 students in a
1131 charter school as defined in this section.

1132 (II) Enrollment of up to and including 500 students within
1133 a charter school system which meets all of the following:

1134 (A) Includes conversion charter schools and nonconversion
1135 charter schools.

1136 (B) Has all of its schools located in the same county.

1137 (C) Has a total enrollment exceeding the total enrollment
1138 of at least one school district in this ~~the~~ state.

1139 (D) Has the same governing board for all of its schools.

1140 (E) Does not contract with a for-profit service provider
1141 for management of school operations.



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1142 (III) Enrollment of up to and including 250 students in a
1143 virtual charter school.

1144 b. Up to 2 percent for enrollment of up to and including
1145 250 students in a high-performing charter school as defined in
1146 s. 1002.331.

1147 c. Up to 2 percent for enrollment of up to and including
1148 250 students in an exceptional student education center that
1149 meets the requirements of the rules adopted by the State Board
1150 of Education pursuant to s. 1008.3415(3).

1151 3. A sponsor may not charge charter schools any additional
1152 fees or surcharges for administrative and educational services
1153 in addition to the maximum percentage of administrative fees
1154 withheld pursuant to this paragraph.

1155 4. A sponsor shall provide to the department by September
1156 15 of each year the total amount of funding withheld from
1157 charter schools pursuant to this subsection for the prior fiscal
1158 year. The department must include the information in the report
1159 required under sub-sub-subparagraph (5) (b)1.k.(III).

1160 (b) If goods and services are made available to the charter
1161 school through the contract with the sponsor ~~school district~~,
1162 they shall be provided to the charter school at a rate no
1163 greater than the sponsor's ~~district's~~ actual cost unless
1164 mutually agreed upon by the charter school and the sponsor in a
1165 contract negotiated separately from the charter. When mediation
1166 has failed to resolve disputes over contracted services or
1167 contractual matters not included in the charter, an appeal may
1168 be made to an administrative law judge appointed by the Division
1169 of Administrative Hearings. The administrative law judge has
1170 final order authority to rule on the dispute. The administrative



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1171 law judge shall award the prevailing party reasonable attorney
1172 fees and costs incurred during the mediation process,
1173 administrative proceeding, and any appeals, to be paid by the
1174 party whom the administrative law judge rules against. To
1175 maximize the use of state funds, sponsors ~~school districts~~ shall
1176 allow charter schools to participate in the sponsor's bulk
1177 purchasing program if applicable.

1178 (c) Transportation of charter school students shall be
1179 provided by the charter school consistent with the requirements
1180 of subpart I.E. of chapter 1006 and s. 1012.45. The governing
1181 body of the charter school may provide transportation through an
1182 agreement or contract with the sponsor ~~district school board~~, a
1183 private provider, or parents. The charter school and the sponsor
1184 shall cooperate in making arrangements that ensure that
1185 transportation is not a barrier to equal access for all students
1186 residing within a reasonable distance of the charter school as
1187 determined in its charter.

1188 (d) Each charter school shall annually complete and submit
1189 a survey, provided in a format specified by the Department of
1190 Education, to rate the timeliness and quality of services
1191 provided by the sponsor ~~district~~ in accordance with this
1192 section. The department shall compile the results, by sponsor
1193 ~~district~~, and include the results in the report required under
1194 sub-sub-subparagraph (5) (b)1.k. (III).

1195 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1196 (a) The Department of Education shall provide information
1197 to the public, directly and through sponsors, on how to form and
1198 operate a charter school and how to enroll in a charter school
1199 once it is created. This information shall include the standard



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1200 application form, standard charter contract, standard evaluation
1201 instrument, and standard charter renewal contract, which shall
1202 include the information specified in subsection (7) and shall be
1203 developed by consulting and negotiating with both sponsors
1204 ~~school districts~~ and charter schools before implementation. The
1205 charter and charter renewal contracts shall be used by charter
1206 school sponsors.

1207 (b)1. The Department of Education shall report to each
1208 charter school receiving a school grade pursuant to s. 1008.34
1209 or a school improvement rating pursuant to s. 1008.341 the
1210 school's student assessment data.

1211 2. The charter school shall report the information in
1212 subparagraph 1. to each parent of a student at the charter
1213 school, the parent of a child on a waiting list for the charter
1214 school, the sponsor ~~district in which the charter school is~~
1215 ~~located~~, and the governing board of the charter school. This
1216 paragraph does not abrogate the provisions of s. 1002.22,
1217 relating to student records, or the requirements of 20 U.S.C. s.
1218 1232g, the Family Educational Rights and Privacy Act.

1219 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER
1220 SCHOOL SYSTEMS.—

1221 (a) A charter school system's governing board shall be
1222 designated a local educational agency for the purpose of
1223 receiving federal funds, the same as though the charter school
1224 system were a school district, if the governing board of the
1225 charter school system has adopted and filed a resolution with
1226 its sponsor ~~sponsoring district school board~~ and the Department
1227 of Education in which the governing board of the charter school
1228 system accepts the full responsibility for all local education



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1229 agency requirements and the charter school system meets all of
1230 the following:

- 1231 1. Has all schools located in the same county;
- 1232 2. Has a total enrollment exceeding the total enrollment of
1233 at least one school district in this ~~the~~ state; and
- 1234 3. Has the same governing board.

1235

1236 Such designation does not apply to other provisions unless
1237 specifically provided in law.

1238 (28) RULEMAKING.—The Department of Education, after
1239 consultation with sponsors ~~school districts~~ and charter school
1240 directors, shall recommend that the State Board of Education
1241 adopt rules to implement specific subsections of this section.
1242 Such rules shall require minimum paperwork and shall not limit
1243 charter school flexibility authorized by statute. The State
1244 Board of Education shall adopt rules, pursuant to ss. 120.536(1)
1245 and 120.54, to implement a standard charter application form,
1246 standard application form for the replication of charter schools
1247 in a high-performing charter school system, standard evaluation
1248 instrument, and standard charter and charter renewal contracts
1249 in accordance with this section.

1250 Section 3. Paragraph (a) of subsection (1), paragraph (a)
1251 of subsection (2), and paragraph (b) of subsection (3) of
1252 section 1002.331, Florida Statutes, are amended to read:

1253 1002.331 High-performing charter schools.—

1254 (1) A charter school is a high-performing charter school if
1255 it:

1256 (a) 1. Received at least two school grades of "A" and no
1257 school grade below "B," pursuant to s. 1008.34, during each of



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1258 the previous 3 school years or received at least two consecutive
1259 school grades of "A" in the most recent 2 school years for the
1260 years that the school received a grade; or

1261 2. Receives, during its first 3 years of operation, funding
1262 through the National Fund of the Charter School Growth Fund.

1263
1264 For purposes of determining initial eligibility, the
1265 requirements of paragraphs (b) and (c) only apply for the most
1266 recent 2 fiscal years if the charter school earns two
1267 consecutive grades of "A." A virtual charter school established
1268 under s. 1002.33 is not eligible for designation as a high-
1269 performing charter school.

1270 (2) A high-performing charter school is authorized to:

1271 (a) Increase its student enrollment once per school year to
1272 more than the capacity identified in the charter, but student
1273 enrollment may not exceed the capacity of the facility at the
1274 time the enrollment increase will take effect. Facility capacity
1275 for purposes of ~~grade-level~~ expansion shall include any
1276 improvements to an existing facility or any new facility in
1277 which ~~a majority of~~ the students of the high-performing charter
1278 school will enroll.

1279
1280 A high-performing charter school shall notify its sponsor in
1281 writing by March 1 if it intends to increase enrollment or
1282 expand grade levels the following school year. The written
1283 notice shall specify the amount of the enrollment increase and
1284 the grade levels that will be added, as applicable. If a charter
1285 school notifies the sponsor of its intent to expand, the sponsor
1286 shall modify the charter within 90 days to include the new



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1287 enrollment maximum and may not make any other changes. The
1288 sponsor may deny a request to increase the enrollment of a high-
1289 performing charter school if the commissioner has declassified
1290 the charter school as high-performing. If a high-performing
1291 charter school requests to consolidate multiple charters, the
1292 sponsor shall have 40 days after receipt of that request to
1293 provide an initial draft charter to the charter school. The
1294 sponsor and charter school shall have 50 days thereafter to
1295 negotiate and notice the charter contract for final approval by
1296 the sponsor.

1297 (3)

1298 (b) A high-performing charter school may submit not
1299 ~~establish more than two applications for a charter school to be~~
1300 ~~opened schools~~ within this the state under paragraph (a) at a
1301 time determined by the high-performing charter school in any
1302 year. A subsequent application to establish a charter school
1303 under paragraph (a) may not be submitted unless each charter
1304 school applicant commences operations or an application is
1305 otherwise withdrawn established in this manner achieves high-
1306 ~~performing charter school status~~. However, a high-performing
1307 charter school may establish more than one charter school within
1308 this the state under paragraph (a) in any year if it operates in
1309 the area of a persistently low-performing school and serves
1310 students from that school. This paragraph applies to any high-
1311 performing charter school with an existing approved application.

1312 Section 4. Paragraph (c) of subsection (1), paragraphs (a),
1313 (g), and (h) of subsection (6), paragraph (d) of subsection (7),
1314 and paragraph (b) of subsection (10) of section 1002.333,
1315 Florida Statutes, are amended, and paragraph (e) is added to



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1316 subsection (9) of that section, to read:

1317 1002.333 Persistently low-performing schools.—

1318 (1) DEFINITIONS.—As used in this section, the term:

1319 (c) "Persistently low-performing school" means a school
1320 that has earned three grades lower than a "C," pursuant to s.
1321 1008.34, in at least 3 of the previous 5 years that the school
1322 received a grade and has not earned a grade of "B" or higher in
1323 the most recent 2 school years, and a school that was closed
1324 pursuant to s. 1008.33(4) within 2 years after the submission of
1325 a notice of intent.

1326 (6) STATUTORY AUTHORITY.—

1327 (a) A school of hope or a nonprofit entity that operates
1328 more than one school of hope through a performance-based
1329 agreement with a school district may be designated as a local
1330 education agency by the department, if requested, for the
1331 purposes of receiving federal funds and, in doing so, accepts
1332 the full responsibility for all local education agency
1333 requirements and the schools for which it will perform local
1334 education agency responsibilities.

1335 1. A nonprofit entity designated as a local education
1336 agency may report its students to the department in accordance
1337 with the definitions in s. 1011.61 and pursuant to the
1338 department's procedures and timelines.

1339 2. Students enrolled in a school established by a hope
1340 operator designated as a local educational agency are not
1341 eligible students for purposes of calculating the district grade
1342 pursuant to s. 1008.34(5).

1343 (g) Each school of hope that has not been designated as a
1344 local education agency shall report its students to the school



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1345 district as required in s. 1011.62, and in accordance with the
1346 definitions in s. 1011.61. The school district shall include
1347 each charter school's enrollment in the district's report of
1348 student enrollment. All charter schools submitting student
1349 record information required by the department shall comply with
1350 the department's guidelines for electronic data formats for such
1351 data, and all districts shall accept electronic data that
1352 complies with the department's electronic format.

1353 (h)1. A school of hope shall provide the school district
1354 with a concise, uniform, quarterly financial statement summary
1355 sheet that contains a balance sheet and a statement of revenue,
1356 expenditures, and changes in fund balance. The balance sheet and
1357 the statement of revenue, expenditures, and changes in fund
1358 balance shall be in the governmental fund format prescribed by
1359 the Governmental Accounting Standards Board. Additionally, a
1360 school of hope shall comply with the annual audit requirement
1361 for charter schools in s. 218.39.

1362 2. A school of hope is in compliance with subparagraph 1.
1363 if it is operated by a nonprofit entity designated as a local
1364 education agency and if the nonprofit submits to each school
1365 district in which it operates a school of hope:

1366 a. A concise, uniform, quarterly financial statement
1367 summary sheet that contains a balance sheet summarizing the
1368 revenue, expenditures, and changes in fund balance for the
1369 entity and for its schools of hope within the school district.

1370 b. An annual financial audit of the nonprofit which
1371 includes all schools of hope it operates within this state and
1372 which complies with s. 218.39 regarding audits of a school
1373 board.



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1374 (7) FACILITIES.—

1375 (d) No later than January ~~October~~ 1, the department ~~each~~
1376 ~~school district~~ shall annually provide to school districts ~~the~~
1377 ~~Department of Education~~ a list of all underused, vacant, or
1378 surplus facilities owned or operated by the school district as
1379 reported in the Florida Inventory of School Houses. A school
1380 district may provide evidence to the department that the list
1381 contains errors or omissions within 30 days after receipt of the
1382 list. By each April 1, the department shall update and publish a
1383 final list of all underused, vacant, or surplus facilities owned
1384 or operated by each school district, based upon updated
1385 information provided by each school district. A hope operator
1386 establishing a school of hope may use an educational facility
1387 identified in this paragraph at no cost or at a mutually
1388 agreeable cost not to exceed \$600 per student. A hope operator
1389 using a facility pursuant to this paragraph may not sell or
1390 dispose of such facility without the written permission of the
1391 school district. For purposes of this paragraph, the term
1392 “underused, vacant, or surplus facility” means an entire
1393 facility or portion thereof which is not fully used or is used
1394 irregularly or intermittently by the school district for
1395 instructional or program use.

1396 (9) FUNDING.—

1397 (e) For a nonprofit entity designated by the department as
1398 a local education agency pursuant to paragraph (6) (h), any
1399 unrestricted current and capital assets identified in the annual
1400 financial audit required by sub-subparagraph (6) (h)2.b. may be
1401 used for any other school of hope operated by the local
1402 education agency within the same district. Unrestricted current



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1403 assets shall be used in accordance with s. 1011.62, and any
1404 unrestricted capital assets shall be used in accordance with s.
1405 1013.62(2).

1406 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program
1407 is created within the Department of Education.

1408 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
1409 funds allocated for the purpose of this subsection which are not
1410 disbursed by June 30 of the fiscal year in which the funds are
1411 allocated may be carried forward for up to 7 ~~5~~ years after the
1412 effective date of the original appropriation.

1413 Section 5. Paragraph (d) of subsection (1) and paragraph
1414 (a) of subsection (2) of section 1002.45, Florida Statutes, are
1415 amended to read:

1416 1002.45 Virtual instruction programs.—

1417 (1) PROGRAM.—

1418 (d) A virtual charter school may provide full-time or part-
1419 time virtual instruction for students in kindergarten through
1420 grade 12 if the virtual charter school has a charter approved
1421 pursuant to s. 1002.33 ~~authorizing full-time virtual~~
1422 ~~instruction~~. A virtual charter school may:

1423 1. Contract with the Florida Virtual School.

1424 2. Contract with an approved provider under subsection (2).

1425 3. Enter into an agreement with a school district to allow
1426 the participation of the virtual charter school's students in
1427 the school district's virtual instruction program. The agreement
1428 must indicate a process for reporting of student enrollment and
1429 the transfer of funds required by paragraph (7) (e).

1430 (2) PROVIDER QUALIFICATIONS.—

1431 (a) The department shall annually publish online a list of



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1432 providers approved to offer virtual instruction programs. To be
1433 approved by the department, a provider must document that it:
1434 1. Is nonsectarian in its programs, admission policies,
1435 employment practices, and operations;
1436 2. Complies with the antidiscrimination provisions of s.
1437 1000.05;
1438 3. Locates an administrative office or offices in this
1439 state, requires its administrative staff to be state residents,
1440 requires all instructional staff to be Florida-certified
1441 teachers under chapter 1012 and conducts background screenings
1442 for all employees or contracted personnel, as required by s.
1443 1012.32, using state and national criminal history records;
1444 4. Provides to parents and students specific information
1445 posted and accessible online that includes, but is not limited
1446 to, the following teacher-parent and teacher-student contact
1447 information for each course:
1448 a. How to contact the instructor via phone, e-mail, or
1449 online messaging tools.
1450 b. How to contact technical support via ~~phone~~, e-mail, or
1451 online messaging tools.
1452 c. How to contact the administration office via phone, e-
1453 mail, or online messaging tools.
1454 d. Any requirement for regular contact with the instructor
1455 for the course and clear expectations for meeting the
1456 requirement.
1457 e. The requirement that the instructor in each course must,
1458 at a minimum, conduct one contact via phone with the parent and
1459 the student each month;
1460 5. Possesses prior, successful experience offering online



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1461 courses to elementary, middle, or high school students as
1462 demonstrated by quantified student learning gains in each
1463 subject area and grade level provided for consideration as an
1464 instructional program option. However, for a provider without
1465 sufficient prior, successful experience offering online courses,
1466 the department may conditionally approve the provider to offer
1467 courses measured pursuant to subparagraph (8) (a)2. Conditional
1468 approval shall be valid for 1 school year only and, based on the
1469 provider's experience in offering the courses, the department
1470 shall determine whether to grant approval to offer a virtual
1471 instruction program;

1472 6. Is accredited by a regional accrediting association as
1473 defined by State Board of Education rule;

1474 7. Ensures instructional and curricular quality through a
1475 detailed curriculum and student performance accountability plan
1476 that addresses every subject and grade level it intends to
1477 provide through contract with the school district, including:

1478 a. Courses and programs that meet the standards of the
1479 International Association for K-12 Online Learning and the
1480 Southern Regional Education Board.

1481 b. Instructional content and services that align with, and
1482 measure student attainment of, student proficiency in the Next
1483 Generation Sunshine State Standards.

1484 c. Mechanisms that determine and ensure that a student has
1485 satisfied requirements for grade level promotion and high school
1486 graduation with a standard diploma, as appropriate;

1487 8. Publishes for the general public, in accordance with
1488 disclosure requirements adopted in rule by the State Board of
1489 Education, as part of its application as a provider and in all



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1490 contracts negotiated pursuant to this section:
1491 a. Information and data about the curriculum of each full-
1492 time and part-time program.
1493 b. School policies and procedures.
1494 c. Certification status and physical location of all
1495 administrative and instructional personnel.
1496 d. Hours and times of availability of instructional
1497 personnel.
1498 e. Student-teacher ratios.
1499 f. Student completion and promotion rates.
1500 g. Student, educator, and school performance accountability
1501 outcomes;
1502 9. If the provider is a Florida College System institution,
1503 employs instructors who meet the certification requirements for
1504 instructional staff under chapter 1012; and
1505 10. Performs an annual financial audit of its accounts and
1506 records conducted by an independent certified public accountant
1507 which is in accordance with rules adopted by the Auditor
1508 General, is conducted in compliance with generally accepted
1509 auditing standards, and includes a report on financial
1510 statements presented in accordance with generally accepted
1511 accounting principles.
1512 Section 6. Paragraph (a) of subsection (1) of section
1513 1003.493, Florida Statutes, is amended to read:
1514 1003.493 Career and professional academies and career-
1515 themed courses.—
1516 (1) (a) A “career and professional academy” is a research-
1517 based program that integrates a rigorous academic curriculum
1518 with an industry-specific curriculum aligned directly to



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1519 priority workforce needs established by the local workforce
1520 development board or the Department of Economic Opportunity.
1521 Career and professional academies shall be offered by public
1522 schools and school districts. Career and professional academies
1523 may be offered by charter schools. The Florida Virtual School is
1524 encouraged to develop and offer rigorous career and professional
1525 courses as appropriate. Students completing career and
1526 professional academy programs must receive a standard high
1527 school diploma, the highest available industry certification,
1528 and opportunities to earn postsecondary credit if the academy
1529 partners with a postsecondary institution approved to operate in
1530 the state.

1531 Section 7. Present subsection (3) of section 1008.3415,
1532 Florida Statutes, is redesignated as subsection (4), and a new
1533 subsection (3) is added to that section, to read:

1534 1008.3415 School grade or school improvement rating for
1535 exceptional student education centers.—

1536 (3) A charter school that is an exceptional student
1537 education center and that receives two consecutive ratings of
1538 “maintaining” or higher may replicate its educational program
1539 under s. 1002.331(3). The Commissioner of Education, upon
1540 request by a charter school, shall verify that the charter
1541 school meets the requirements of this subsection and provide a
1542 letter to the charter school and the sponsor stating that the
1543 charter school may replicate its educational program in the same
1544 manner as a high-performing charter school under s. 1002.331(3).

1545 Section 8. Subsection (2) of section 1012.32, Florida
1546 Statutes, is amended to read:

1547 1012.32 Qualifications of personnel.—



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1548 (2) (a) Instructional and noninstructional personnel who are
1549 hired or contracted to fill positions that require direct
1550 contact with students in any district school system or
1551 university lab school must, upon employment or engagement to
1552 provide services, undergo background screening as required under
1553 s. 1012.465 or s. 1012.56, whichever is applicable.

1554 (b) 1. Instructional and noninstructional personnel who are
1555 hired or contracted to fill positions in a ~~any~~ charter school
1556 other than a school of hope as defined in s. 1002.333, and
1557 members of the governing board of ~~such~~ ~~any~~ charter school, in
1558 compliance with s. 1002.33(12) (g), ~~must,~~ upon employment,
1559 engagement of services, or appointment, shall undergo background
1560 screening as required under s. 1012.465 or s. 1012.56, whichever
1561 is applicable, by filing with the district school board for the
1562 school district in which the charter school is located a
1563 complete set of fingerprints taken by an authorized law
1564 enforcement agency or an employee of the school or school
1565 district who is trained to take fingerprints.

1566 2. Instructional and noninstructional personnel who are
1567 hired or contracted to fill positions in a school of hope as
1568 defined in s. 1002.333, and members of the governing board of
1569 such school of hope, shall file with the school of hope a
1570 complete set of fingerprints taken by an authorized law
1571 enforcement agency, by an employee of the school of hope or
1572 school district who is trained to take fingerprints, or by any
1573 other entity recognized by the Department of Law Enforcement to
1574 take fingerprints.

1575 (c) Instructional and noninstructional personnel who are
1576 hired or contracted to fill positions that require direct



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1577 contact with students in an alternative school that operates
1578 under contract with a district school system must, upon
1579 employment or engagement to provide services, undergo background
1580 screening as required under s. 1012.465 or s. 1012.56, whichever
1581 is applicable, by filing with the district school board for the
1582 school district to which the alternative school is under
1583 contract a complete set of fingerprints taken by an authorized
1584 law enforcement agency or an employee of the school or school
1585 district who is trained to take fingerprints.

1586 (d) Student teachers and persons participating in a field
1587 experience pursuant to s. 1004.04(5) or s. 1004.85 in any
1588 district school system, lab school, or charter school must, upon
1589 engagement to provide services, undergo background screening as
1590 required under s. 1012.56.

1591
1592 Required fingerprints must ~~shall~~ be submitted to the Department
1593 of Law Enforcement for statewide criminal and juvenile records
1594 checks and to the Federal Bureau of Investigation for federal
1595 criminal records checks. A person subject to this subsection who
1596 is found ineligible for employment under s. 1012.315, or
1597 otherwise found through background screening to have been
1598 convicted of any crime involving moral turpitude as defined by
1599 rule of the State Board of Education, shall not be employed,
1600 engaged to provide services, or serve in any position that
1601 requires direct contact with students. Probationary persons
1602 subject to this subsection terminated because of their criminal
1603 record have the right to appeal such decisions. The cost of the
1604 background screening may be borne by the district school board,
1605 the charter school, the employee, the contractor, or a person



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1606 subject to this subsection. A district school board shall
1607 reimburse a charter school the cost of background screening if
1608 it does not notify the charter school of the eligibility of a
1609 governing board member or instructional or noninstructional
1610 personnel within the earlier of 14 days after receipt of the
1611 background screening results from the Florida Department of Law
1612 Enforcement or 30 days of submission of fingerprints by the
1613 governing board member or instructional or noninstructional
1614 personnel.

1615 Section 9. Paragraph (a) of subsection (1) of section
1616 1013.62, Florida Statutes, is amended to read:

1617 1013.62 Charter schools capital outlay funding.—

1618 (1) For the 2020-2021 fiscal year, charter school capital
1619 outlay funding shall consist of state funds appropriated in the
1620 2020-2021 General Appropriations Act. Beginning in fiscal year
1621 2021-2022, charter school capital outlay funding shall consist
1622 of state funds when such funds are appropriated in the General
1623 Appropriations Act and revenue resulting from the discretionary
1624 millage authorized in s. 1011.71(2) if the amount of state funds
1625 appropriated for charter school capital outlay in any fiscal
1626 year is less than the average charter school capital outlay
1627 funds per unweighted full-time equivalent student for the 2018-
1628 2019 fiscal year, multiplied by the estimated number of charter
1629 school students for the applicable fiscal year, and adjusted by
1630 changes in the Consumer Price Index issued by the United States
1631 Department of Labor from the previous fiscal year. Nothing in
1632 this subsection prohibits a school district from distributing to
1633 charter schools funds resulting from the discretionary millage
1634 authorized in s. 1011.71(2).



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1635 (a) To be eligible to receive capital outlay funds, a
1636 charter school must:

1637 1.a. Have been in operation for 2 or more years;

1638 b. Be governed by a governing board established in the
1639 state for 2 or more years which operates both charter schools
1640 and conversion charter schools within the state;

1641 c. Be an expanded feeder chain of a charter school within
1642 the same school district that is currently receiving charter
1643 school capital outlay funds;

1644 d. Have been accredited by a regional accrediting
1645 association as defined by State Board of Education rule; ~~or~~

1646 e. Serve students in facilities that are provided by a
1647 business partner for a charter school-in-the-workplace pursuant
1648 to s. 1002.33(15) (b); or

1649 f. Be operated by a hope operator pursuant to s. 1002.333.

1650 2. Have an annual audit that does not reveal any of the
1651 financial emergency conditions provided in s. 218.503(1) for the
1652 most recent fiscal year for which such audit results are
1653 available.

1654 3. Have satisfactory student achievement based on state
1655 accountability standards applicable to the charter school.

1656 4. Have received final approval from its sponsor pursuant
1657 to s. 1002.33 for operation during that fiscal year.

1658 5. Serve students in facilities that are not provided by
1659 the charter school's sponsor.

1660 Section 10. If any provision of this act or its application
1661 to any person or circumstance is held invalid, the invalidity
1662 does not affect other provisions or applications of the act
1663 which can be given effect without the invalid provision or



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1664 application, and to this end the provisions of this act are
1665 severable.

1666 Section 11. This act shall take effect July 1, 2021.

1667
1668 ===== T I T L E A M E N D M E N T =====

1669 And the title is amended as follows:

1670 Delete everything before the enacting clause
1671 and insert:

1672 A bill to be entitled
1673 An act relating to charter schools; amending s.
1674 1002.32, F.S.; providing that the limitation on lab
1675 schools does not apply to a school serving a military
1676 installation; removing a limitation on lab schools
1677 receiving a share of the sparsity supplement; amending
1678 s. 1002.33, F.S.; authorizing state universities and
1679 Florida College System institutions to solicit
1680 applications and sponsor charter schools under certain
1681 circumstances; prohibiting certain charter schools
1682 from being sponsored by a Florida College System
1683 institution until such charter schools' existing
1684 charter expires; authorizing a state university or
1685 Florida College System institution to, at its
1686 discretion, deny an application for a charter school;
1687 revising the contents of an annual report that charter
1688 school sponsors must provide to the Department of
1689 Education; revising the date by which the department
1690 must post a specified annual report; revising
1691 provisions relating to Florida College System
1692 institutions that are operating charter schools;



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1693 prohibiting certain interlocal agreements; requiring
1694 the board of trustees of a state university or Florida
1695 College System institution that is sponsoring a
1696 charter school to serve as the local educational
1697 agency for such school; prohibiting certain charter
1698 school students from being included in specified
1699 school district grade calculations; requiring the
1700 department to develop a sponsor evaluation framework;
1701 providing requirements for the framework; requiring
1702 the department to compile results in a specified
1703 manner; deleting obsolete language; revising
1704 requirements for the charter school application
1705 process; requiring certain school districts to reduce
1706 administrative fees withheld; requiring such school
1707 districts to file monthly reports; authorizing school
1708 districts to resume withholding the full amount of
1709 administrative fees under specified circumstance;
1710 authorizing certain charter schools to recover
1711 attorney fees and costs; requiring the State Board of
1712 Education to withhold state funds from a district
1713 school board that is in violation of a state board
1714 decision on a charter school; authorizing parties to
1715 appeal without first mediating in certain
1716 circumstances; providing that certain changes to
1717 curriculum are deemed approved; providing an
1718 exception; revising the circumstances in which a
1719 charter may be immediately terminated; providing that
1720 certain information must be provided to specified
1721 entities upon immediate termination of a charter;



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1722 authorizing the award of specified fees and costs in
1723 certain circumstances; authorizing a sponsor to seek
1724 an injunction in certain circumstances; revising
1725 provisions related to sponsor assumption of operation;
1726 revising the student populations for which a charter
1727 school is authorized to limit the enrollment process;
1728 providing a calculation for the operational funding
1729 for a charter school sponsored by a state university
1730 or Florida College System institution; requiring the
1731 department to develop a tool for state universities
1732 and Florida College System institutions for specified
1733 purposes relating to certain funding calculations;
1734 providing that such funding must be appropriated to
1735 the charter school; providing for capital outlay
1736 funding for such schools; authorizing a sponsor to
1737 withhold an administrative fee for the provision of
1738 certain services to an exceptional student education
1739 center that meets specified requirements; conforming
1740 provisions to changes made by the act; amending s.
1741 1002.331, F.S.; revising requirements for a charter
1742 school to be a high-performing charter school;
1743 revising a limitation on the expansion of high-
1744 performing charter schools; revising provisions
1745 relating to the opening of additional high-performing
1746 charter schools; amending s. 1002.333, F.S.; revising
1747 the definition of the term "persistently low-
1748 performing school"; providing that certain nonprofit
1749 entities may be designated as a local education
1750 agency; providing that certain entities report



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1751 students to the department in a specified manner;
1752 specifying reporting provisions that apply only to
1753 certain schools of hope; providing that schools of
1754 hope may comply with certain financial reporting in a
1755 specified manner; revising the manner in which
1756 underused, vacant, or surplus facilities owned or
1757 operated by school districts are identified;
1758 authorizing a nonprofit entity designated as a local
1759 education agency to use any capital assets identified
1760 in a certain annual financial audit for another school
1761 of hope operated by the local education agency within
1762 the same district; increasing the number of years for
1763 which certain funds may be carried forward; amending
1764 s. 1002.45, F.S.; authorizing a virtual charter school
1765 to provide part-time virtual instruction; amending s.
1766 1003.493, F.S.; authorizing a charter school to offer
1767 a career and professional academy; amending s.
1768 1008.3415, F.S.; requiring the Commissioner of
1769 Education, upon request by a charter school that meets
1770 specified criteria, to provide a letter to the charter
1771 school and the charter school's sponsor authorizing
1772 the charter school to replicate its educational
1773 program; amending s. 1012.32, F.S.; providing an
1774 alternate screening method for specified persons
1775 employed by certain schools of hope or serving on
1776 certain school of hope governing boards; amending s.
1777 1013.62, F.S.; expanding eligibility to receive
1778 capital outlay funds to schools of hope operated by a
1779 hope operator; providing for severability; providing



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an effective date.