

**By** the Committees on Appropriations; and Education; and Senators Hutson and Diaz

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1                                   A bill to be entitled  
2       An act relating to charter schools; amending s.  
3       1002.32, F.S.; providing that the limitation on lab  
4       schools does not apply to a school serving a military  
5       installation; removing a limitation on lab schools  
6       receiving a share of the sparsity supplement; amending  
7       s. 1002.33, F.S.; authorizing state universities and  
8       Florida College System institutions to solicit  
9       applications and sponsor charter schools under certain  
10      circumstances; prohibiting certain charter schools  
11      from being sponsored by a Florida College System  
12      institution until such charter schools' existing  
13      charter expires; authorizing a state university or  
14      Florida College System institution to, at its  
15      discretion, deny an application for a charter school;  
16      revising the contents of an annual report that charter  
17      school sponsors must provide to the Department of  
18      Education; revising the date by which the department  
19      must post a specified annual report; revising  
20      provisions relating to Florida College System  
21      institutions that are operating charter schools;  
22      prohibiting certain interlocal agreements; requiring  
23      the board of trustees of a state university or Florida  
24      College System institution that is sponsoring a  
25      charter school to serve as the local educational  
26      agency for such school; prohibiting certain charter  
27      school students from being included in specified  
28      school district grade calculations; requiring the  
29      department to develop a sponsor evaluation framework;

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30 providing requirements for the framework; requiring  
31 the department to compile results in a specified  
32 manner; deleting obsolete language; revising  
33 requirements for the charter school application  
34 process; requiring certain school districts to reduce  
35 administrative fees withheld; requiring such school  
36 districts to file monthly reports; authorizing school  
37 districts to resume withholding the full amount of  
38 administrative fees under specified circumstance;  
39 authorizing certain charter schools to recover  
40 attorney fees and costs; requiring the State Board of  
41 Education to withhold state funds from a district  
42 school board that is in violation of a state board  
43 decision on a charter school; authorizing parties to  
44 appeal without first mediating in certain  
45 circumstances; providing that certain changes to  
46 curriculum are deemed approved; providing an  
47 exception; revising the circumstances in which a  
48 charter may be immediately terminated; providing that  
49 certain information must be provided to specified  
50 entities upon immediate termination of a charter;  
51 authorizing the award of specified fees and costs in  
52 certain circumstances; authorizing a sponsor to seek  
53 an injunction in certain circumstances; revising  
54 provisions related to sponsor assumption of operation;  
55 revising the student populations for which a charter  
56 school is authorized to limit the enrollment process;  
57 providing a calculation for the operational funding  
58 for a charter school sponsored by a state university

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59 or Florida College System institution; requiring the  
60 department to develop a tool for state universities  
61 and Florida College System institutions for specified  
62 purposes relating to certain funding calculations;  
63 providing that such funding must be appropriated to  
64 the charter school; providing for capital outlay  
65 funding for such schools; authorizing a sponsor to  
66 withhold an administrative fee for the provision of  
67 certain services to an exceptional student education  
68 center that meets specified requirements; conforming  
69 provisions to changes made by the act; amending s.  
70 1002.331, F.S.; revising requirements for a charter  
71 school to be a high-performing charter school;  
72 revising a limitation on the expansion of high-  
73 performing charter schools; revising provisions  
74 relating to the opening of additional high-performing  
75 charter schools; amending s. 1002.333, F.S.; revising  
76 the definition of the term "persistently low-  
77 performing school"; providing that certain nonprofit  
78 entities may be designated as a local education  
79 agency; providing that certain entities report  
80 students to the department in a specified manner;  
81 specifying reporting provisions that apply only to  
82 certain schools of hope; providing that schools of  
83 hope may comply with certain financial reporting in a  
84 specified manner; revising the manner in which  
85 underused, vacant, or surplus facilities owned or  
86 operated by school districts are identified;  
87 authorizing a nonprofit entity designated as a local

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88 education agency to use any capital assets identified  
89 in a certain annual financial audit for another school  
90 of hope operated by the local education agency within  
91 the same district; increasing the number of years for  
92 which certain funds may be carried forward; amending  
93 s. 1002.45, F.S.; authorizing a virtual charter school  
94 to provide part-time virtual instruction; amending s.  
95 1003.493, F.S.; authorizing a charter school to offer  
96 a career and professional academy; amending s.  
97 1008.3415, F.S.; requiring the Commissioner of  
98 Education, upon request by a charter school that meets  
99 specified criteria, to provide a letter to the charter  
100 school and the charter school's sponsor authorizing  
101 the charter school to replicate its educational  
102 program; amending s. 1012.32, F.S.; providing an  
103 alternate screening method for specified persons  
104 employed by certain schools of hope or serving on  
105 certain school of hope governing boards; amending s.  
106 1013.62, F.S.; expanding eligibility to receive  
107 capital outlay funds to schools of hope operated by a  
108 hope operator; providing for severability; providing  
109 an effective date.

110  
111 Be It Enacted by the Legislature of the State of Florida:

112  
113 Section 1. Subsection (2) and paragraph (a) of subsection  
114 (9) of section 1002.32, Florida Statutes, are amended to read:  
115 1002.32 Developmental research (laboratory) schools.—  
116 (2) ESTABLISHMENT.—There is established a category of

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117 public schools to be known as developmental research  
118 (laboratory) schools (lab schools). Each lab school shall  
119 provide sequential instruction and shall be affiliated with the  
120 college of education within the state university of closest  
121 geographic proximity. A lab school to which a charter has been  
122 issued under s. 1002.33(5)(a)2. must be affiliated with the  
123 college of education within the state university that issued the  
124 charter, but is not subject to the requirement that the state  
125 university be of closest geographic proximity. For the purpose  
126 of state funding, Florida Agricultural and Mechanical  
127 University, Florida Atlantic University, Florida State  
128 University, the University of Florida, and other universities  
129 approved by the State Board of Education and the Legislature are  
130 authorized to sponsor a lab school. The limitation of one lab  
131 school per university shall not apply to the following  
132 legislatively allowed charter lab schools ~~authorized prior to~~  
133 ~~June 1, 2003~~: Florida State University Charter Lab K-12 School  
134 in Broward County, Florida Atlantic University Charter Lab K-12  
135 ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic  
136 University Charter Lab K-12 School in St. Lucie County. The  
137 limitation of one lab school per university does not apply to a  
138 university that establishes a lab school to serve families of a  
139 military installation that is within the same county as a branch  
140 campus that offers programs from the university's college of  
141 education.

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

144 (a) Each lab school shall be allocated its proportional  
145 share of operating funds from the Florida Education Finance

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146 Program as provided in s. 1011.62 based on the county in which  
147 the lab school is located and the General Appropriations Act.  
148 The nonvoted ad valorem millage that would otherwise be required  
149 for lab schools shall be allocated from state funds. The  
150 required local effort funds calculated pursuant to s. 1011.62  
151 shall be allocated from state funds to the schools as a part of  
152 the allocation of operating funds pursuant to s. 1011.62. Each  
153 eligible lab school ~~in operation as of September 1, 2013,~~ with a  
154 permanent high school center shall also receive a proportional  
155 share of the sparsity supplement as calculated pursuant to s.  
156 1011.62. In addition, each lab school shall receive its  
157 proportional share of all categorical funds, with the exception  
158 of s. 1011.68, and new categorical funds enacted after July 1,  
159 1994, for the purpose of elementary or secondary academic  
160 program enhancement. The sum of funds available as provided in  
161 this paragraph shall be included annually in the Florida  
162 Education Finance Program and appropriate categorical programs  
163 funded in the General Appropriations Act.

164 Section 2. Paragraph (c) of subsection (2), subsection (5),  
165 paragraphs (b) and (d) of subsection (6), paragraphs (a), (b),  
166 and (d) of subsection (7), paragraphs (c), (d), and (e) of  
167 subsection (8), paragraphs (g) and (n) of subsection (9),  
168 paragraphs (d) and (e) of subsection (10), subsection (14),  
169 paragraph (c) of subsection (15), subsection (17), paragraph (e)  
170 of subsection (18), subsections (20) and (21), paragraph (a) of  
171 subsection (25), and subsection (28) of section 1002.33, Florida  
172 Statutes, are amended to read:

173 1002.33 Charter schools.—

174 (2) GUIDING PRINCIPLES; PURPOSE.—

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- 175 (c) Charter schools may fulfill the following purposes:
- 176 1. Create innovative measurement tools.
- 177 2. Provide rigorous competition within the public school
- 178 system ~~district~~ to stimulate continual improvement in all public
- 179 schools.
- 180 3. Expand the capacity of the public school system.
- 181 4. Mitigate the educational impact created by the
- 182 development of new residential dwelling units.
- 183 5. Create new professional opportunities for teachers,
- 184 including ownership of the learning program at the school site.

185 (5) SPONSOR; DUTIES.—

186 (a) *Sponsoring entities*.—

187 1. A district school board may sponsor a charter school in

188 the county over which the district school board has

189 jurisdiction.

190 2. A state university may grant a charter to a lab school

191 created under s. 1002.32 and shall be considered to be the

192 school's sponsor. Such school shall be considered a charter lab

193 school.

194 3. Because needs relating to educational capacity,

195 workforce qualifications, and career education opportunities are

196 constantly changing and extend beyond school district

197 boundaries:

198 a. A state university may, upon approval by the Department

199 of Education, solicit applications and sponsor a charter school

200 to meet regional education or workforce demands by serving

201 students from multiple school districts.

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

203 by the Department of Education, solicit applications and sponsor

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204 a charter school in any county within its service area to meet  
205 workforce demands and may offer postsecondary programs leading  
206 to industry certifications to eligible charter school students.  
207 A charter school established under subparagraph (b)4. may not be  
208 sponsored by a Florida College System institution until its  
209 existing charter with the school district expires as provided  
210 under subsection (7).

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

214 (b) *Sponsor duties.*—

215 1.a. The sponsor shall monitor and review the charter  
216 school in its progress toward the goals established in the  
217 charter.

218 b. The sponsor shall monitor the revenues and expenditures  
219 of the charter school and perform the duties provided in s.  
220 1002.345.

221 c. The sponsor may approve a charter for a charter school  
222 before the applicant has identified space, equipment, or  
223 personnel, if the applicant indicates approval is necessary for  
224 it to raise working funds.

225 d. The sponsor shall not apply its policies to a charter  
226 school unless mutually agreed to by both the sponsor and the  
227 charter school. If the sponsor subsequently amends any agreed-  
228 upon sponsor policy, the version of the policy in effect at the  
229 time of the execution of the charter, or any subsequent  
230 modification thereof, shall remain in effect and the sponsor may  
231 not hold the charter school responsible for any provision of a  
232 newly revised policy until the revised policy is mutually agreed



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233 upon.

234 e. The sponsor shall ensure that the charter is innovative  
235 and consistent with the state education goals established by s.  
236 1000.03(5).

237 f. The sponsor shall ensure that the charter school  
238 participates in the state's education accountability system. If  
239 a charter school falls short of performance measures included in  
240 the approved charter, the sponsor shall report such shortcomings  
241 to the Department of Education.

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

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

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

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

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

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

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

260 ~~(B) The number of final~~ applications received during the  
261 school year and up to on or before August 1 and each applicant's

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262 contact information.

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

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

266 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~  
267 ~~each year thereafter~~, the sponsor shall submit to the department  
268 the information for the applications submitted the previous  
269 year.

270 (III) The department shall compile an annual report, by  
271 sponsor district, and post the report on its website by January  
272 15 ~~November 1~~ of each year.

273 2. Immunity for the sponsor of a charter school under  
274 subparagraph 1. applies only with respect to acts or omissions  
275 not under the sponsor's direct authority as described in this  
276 section.

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

279 4. A Florida College System institution may work with the  
280 school district or school districts in its designated service  
281 area to develop charter schools that offer secondary education.  
282 These charter schools must include an option for students to  
283 receive an associate degree upon high school graduation. If a  
284 Florida College System institution operates an approved teacher  
285 preparation program under s. 1004.04 or s. 1004.85, the  
286 institution may operate ~~no more than one~~ charter schools ~~school~~  
287 that serve ~~serves~~ students in kindergarten through grade 12 in  
288 any school district within the service area of the institution.  
289 ~~In kindergarten through grade 8, the charter school shall~~  
290 ~~implement innovative blended learning instructional models in~~

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291 ~~which, for a given course, a student learns in part through~~  
292 ~~online delivery of content and instruction with some element of~~  
293 ~~student control over time, place, path, or pace and in part at a~~  
294 ~~supervised brick-and-mortar location away from home. A student~~  
295 ~~in a blended learning course must be a full-time student of the~~  
296 ~~charter school and receive the online instruction in a classroom~~  
297 ~~setting at the charter school.~~ District school boards shall  
298 cooperate with and assist the Florida College System institution  
299 on the charter application. Florida College System institution  
300 applications for charter schools are not subject to the time  
301 deadlines outlined in subsection (6) and may be approved by the  
302 district school board at any time during the year. Florida  
303 College System institutions may not report FTE for any students  
304 participating under this subparagraph who receive FTE funding  
305 through the Florida Education Finance Program.

306 5. For purposes of assisting the development of a charter  
307 school, a school district may enter into nonexclusive interlocal  
308 agreements with federal and state agencies, counties,  
309 municipalities, and other governmental entities that operate  
310 within the geographical borders of the school district to act on  
311 behalf of such governmental entities in the inspection,  
312 issuance, and other necessary activities for all necessary  
313 permits, licenses, and other permissions that a charter school  
314 needs in order for development, construction, or operation. A  
315 charter school may use, but may not be required to use, a school  
316 district for these services. The interlocal agreement must  
317 include, but need not be limited to, the identification of fees  
318 that charter schools will be charged for such services. The fees  
319 must consist of the governmental entity's fees plus a fee for

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320 the school district to recover no more than actual costs for  
321 providing such services. These services and fees are not  
322 included within the services to be provided pursuant to  
323 subsection (20). Notwithstanding any other provision of law, an  
324 interlocal agreement between a school district and a federal or  
325 state agency, county, municipality, or other governmental entity  
326 which prohibits or limits the creation of a charter school  
327 within the geographic borders of the school district is void and  
328 unenforceable.

329 6. The board of trustees of a sponsoring state university  
330 or Florida College System institution under paragraph (a) is the  
331 local educational agency for all charter schools it sponsors for  
332 purposes of receiving federal funds and accepts full  
333 responsibility for all local educational agency requirements and  
334 the schools for which it will perform local educational agency  
335 responsibilities. A student enrolled in a charter school that is  
336 sponsored by a state university or Florida College System  
337 institution may not be included in the calculation of the school  
338 district's grade under s. 1008.34(5) for the school district in  
339 which he or she resides.

340 (c) Sponsor accountability.-

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

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

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

348 c. The academic and financial performance of all operating

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349 charter schools overseen by the sponsor.

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

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

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

357 (b) A sponsor shall receive and review all applications for  
358 a charter school using the evaluation instrument developed by  
359 the Department of Education. ~~A sponsor shall receive and~~  
360 ~~consider charter school applications received on or before~~  
361 ~~August 1 of each calendar year for charter schools to be opened~~  
362 ~~at the beginning of the school district's next school year, or~~  
363 ~~to be opened at a time agreed to by the applicant and the~~  
364 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
365 ~~application submitted before August 1 and may receive an~~  
366 ~~application submitted later than August 1 if it chooses.~~  
367 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
368 consider charter school applications ~~received on or before~~  
369 ~~February 1 of each calendar year for charter schools to be~~  
370 ~~opened 18 months later at the beginning of the school district's~~  
371 ~~school year, or to be opened at a time determined by the~~  
372 ~~applicant. A sponsor may not refuse to receive a charter school~~  
373 ~~application submitted before February 1 and may receive an~~  
374 ~~application submitted later than February 1 if it chooses.~~ A  
375 sponsor may not charge an applicant for a charter any fee for  
376 the processing or consideration of an application, and a sponsor  
377 may not base its consideration or approval of a final

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378 application upon the promise of future payment of any kind.  
379 Before approving or denying any application, the sponsor shall  
380 allow the applicant, upon receipt of written notification, at  
381 least 7 calendar days to make technical or nonsubstantive  
382 corrections and clarifications, including, but not limited to,  
383 corrections of grammatical, typographical, and like errors or  
384 missing signatures, if such errors are identified by the sponsor  
385 as cause to deny the final application.

386 1. In order to facilitate an accurate budget projection  
387 process, a sponsor shall be held harmless for FTE students who  
388 are not included in the FTE projection due to approval of  
389 charter school applications after the FTE projection deadline.  
390 In a further effort to facilitate an accurate budget projection,  
391 within 15 calendar days after receipt of a charter school  
392 application, a sponsor shall report to the Department of  
393 Education the name of the applicant entity, the proposed charter  
394 school location, and its projected FTE.

395 2. In order to ensure fiscal responsibility, an application  
396 for a charter school shall include a full accounting of expected  
397 assets, a projection of expected sources and amounts of income,  
398 including income derived from projected student enrollments and  
399 from community support, and an expense projection that includes  
400 full accounting of the costs of operation, including start-up  
401 costs.

402 3.a. A sponsor shall by a majority vote approve or deny an  
403 application no later than 90 calendar days after the application  
404 is received, unless the sponsor and the applicant mutually agree  
405 in writing to temporarily postpone the vote to a specific date,  
406 at which time the sponsor shall by a majority vote approve or

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407 deny the application. If the sponsor fails to act on the  
408 application, an applicant may appeal to the State Board of  
409 Education as provided in paragraph (c). If an application is  
410 denied, the sponsor shall, within 10 calendar days after such  
411 denial, articulate in writing the specific reasons, based upon  
412 good cause, supporting its denial of the application and shall  
413 provide the letter of denial and supporting documentation to the  
414 applicant and to the Department of Education.

415 b. An application submitted by a high-performing charter  
416 school identified pursuant to s. 1002.331 or a high-performing  
417 charter school system identified pursuant to s. 1002.332 may be  
418 denied by the sponsor only if the sponsor demonstrates by clear  
419 and convincing evidence that:

420 (I) The application of a high-performing charter school  
421 does not materially comply with the requirements in paragraph  
422 (a) or, for a high-performing charter school system, the  
423 application does not materially comply with s. 1002.332(2)(b);

424 (II) The charter school proposed in the application does  
425 not materially comply with the requirements in paragraphs  
426 (9)(a)-(f);

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

430 (IV) The applicant has made a material misrepresentation or  
431 false statement or concealed an essential or material fact  
432 during the application process; or

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

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437 Material noncompliance is a failure to follow requirements or a  
438 violation of prohibitions applicable to charter school  
439 applications, which failure is quantitatively or qualitatively  
440 significant either individually or when aggregated with other  
441 noncompliance. An applicant is considered to be replicating a  
442 high-performing charter school if the proposed school is  
443 substantially similar to at least one of the applicant's high-  
444 performing charter schools and the organization or individuals  
445 involved in the establishment and operation of the proposed  
446 school are significantly involved in the operation of replicated  
447 schools.

448 c. If the sponsor denies an application submitted by a  
449 high-performing charter school or a high-performing charter  
450 school system, the sponsor must, within 10 calendar days after  
451 such denial, state in writing the specific reasons, based upon  
452 the criteria in sub-subparagraph b., supporting its denial of  
453 the application and must provide the letter of denial and  
454 supporting documentation to the applicant and to the Department  
455 of Education. The applicant may appeal the sponsor's denial of  
456 the application in accordance with paragraph (c).

457 4. For budget projection purposes, the sponsor shall report  
458 to the Department of Education the approval or denial of an  
459 application within 10 calendar days after such approval or  
460 denial. In the event of approval, the report to the Department  
461 of Education shall include the final projected FTE for the  
462 approved charter school.

463 5. ~~Upon approval of an application, the initial startup~~  
464 ~~shall commence with the beginning of the public school calendar~~



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465 ~~for the district in which the charter is granted.~~ A charter  
466 school may defer the opening of the school's operations for up  
467 to 3 years to provide time for adequate facility planning. The  
468 charter school must provide written notice of such intent to the  
469 sponsor and the parents of enrolled students at least 30  
470 calendar days before the first day of school.

471 (d)1. The sponsor shall act upon the decision of the State  
472 Board of Education within 30 calendar days after it is received.  
473 The State Board of Education's decision is a final action  
474 subject to judicial review in the district court of appeal. A  
475 prevailing party may file an action with the Division of  
476 Administrative Hearings to recover reasonable attorney fees and  
477 costs incurred during the denial of the application and any  
478 appeals.

479 2. A school district that fails to implement the decision  
480 affirmed by a district court of appeal shall reduce the  
481 administrative fees withheld pursuant to subsection (20) to 1  
482 percent for all charter schools operating in the school  
483 district. Such school districts shall file a monthly report  
484 detailing the reduction in the amount of administrative fees  
485 withheld. Upon execution of the charter, the sponsor may resume  
486 withholding the full amount of administrative fees but may not  
487 recover any fees that would have otherwise accrued during the  
488 period of noncompliance. Any charter school that had  
489 administrative fees withheld in violation of this paragraph may  
490 recover attorney fees and costs to enforce the requirements of  
491 this paragraph.

492 (7) CHARTER.—The terms and conditions for the operation of  
493 a charter school shall be set forth by the sponsor and the

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494 applicant in a written contractual agreement, called a charter.  
495 The sponsor and the governing board of the charter school shall  
496 use the standard charter contract pursuant to subsection (21),  
497 which shall incorporate the approved application and any addenda  
498 approved with the application. Any term or condition of a  
499 proposed charter contract that differs from the standard charter  
500 contract adopted by rule of the State Board of Education shall  
501 be presumed a limitation on charter school flexibility. The  
502 sponsor may not impose unreasonable rules or regulations that  
503 violate the intent of giving charter schools greater flexibility  
504 to meet educational goals. The charter shall be signed by the  
505 governing board of the charter school and the sponsor, following  
506 a public hearing to ensure community input.

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

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

511 2. The focus of the curriculum, the instructional methods  
512 to be used, any distinctive instructional techniques to be  
513 employed, and identification and acquisition of appropriate  
514 technologies needed to improve educational and administrative  
515 performance which include a means for promoting safe, ethical,  
516 and appropriate uses of technology which comply with legal and  
517 professional standards.

518 a. The charter shall ensure that reading is a primary focus  
519 of the curriculum and that resources are provided to identify  
520 and provide specialized instruction for students who are reading  
521 below grade level. The curriculum and instructional strategies  
522 for reading must be consistent with the Next Generation Sunshine

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523 State Standards and grounded in scientifically based reading  
524 research.

525       b. In order to provide students with access to diverse  
526 instructional delivery models, to facilitate the integration of  
527 technology within traditional classroom instruction, and to  
528 provide students with the skills they need to compete in the  
529 21st century economy, the Legislature encourages instructional  
530 methods for blended learning courses consisting of both  
531 traditional classroom and online instructional techniques.  
532 Charter schools may implement blended learning courses which  
533 combine traditional classroom instruction and virtual  
534 instruction. Students in a blended learning course must be full-  
535 time students of the charter school pursuant to s.  
536 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
537 1012.55 who provide virtual instruction for blended learning  
538 courses may be employees of the charter school or may be under  
539 contract to provide instructional services to charter school  
540 students. At a minimum, such instructional personnel must hold  
541 an active state or school district adjunct certification under  
542 s. 1012.57 for the subject area of the blended learning course.  
543 The funding and performance accountability requirements for  
544 blended learning courses are the same as those for traditional  
545 courses.

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

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

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552           b. How these baseline rates will be compared to rates of  
553 academic progress achieved by these same students while  
554 attending the charter school.

555           c. To the extent possible, how these rates of progress will  
556 be evaluated and compared with rates of progress of other  
557 closely comparable student populations.

558

559 A ~~The~~ district school board is required to provide academic  
560 student performance data to charter schools for each of their  
561 students coming from the district school system, as well as  
562 rates of academic progress of comparable student populations in  
563 the district school system.

564           4. The methods used to identify the educational strengths  
565 and needs of students and how well educational goals and  
566 performance standards are met by students attending the charter  
567 school. The methods shall provide a means for the charter school  
568 to ensure accountability to its constituents by analyzing  
569 student performance data and by evaluating the effectiveness and  
570 efficiency of its major educational programs. Students in  
571 charter schools shall, at a minimum, participate in the  
572 statewide assessment program created under s. 1008.22.

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

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

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

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581           8. The ways by which the school will achieve a  
582 racial/ethnic balance reflective of the community it serves or  
583 within the racial/ethnic range of other nearby public schools ~~in~~  
584 ~~the same school district.~~

585           9. The financial and administrative management of the  
586 school, including a reasonable demonstration of the professional  
587 experience or competence of those individuals or organizations  
588 applying to operate the charter school or those hired or  
589 retained to perform such professional services and the  
590 description of clearly delineated responsibilities and the  
591 policies and practices needed to effectively manage the charter  
592 school. A description of internal audit procedures and  
593 establishment of controls to ensure that financial resources are  
594 properly managed must be included. Both public sector and  
595 private sector professional experience shall be equally valid in  
596 such a consideration.

597           10. The asset and liability projections required in the  
598 application which are incorporated into the charter and shall be  
599 compared with information provided in the annual report of the  
600 charter school.

601           11. A description of procedures that identify various risks  
602 and provide for a comprehensive approach to reduce the impact of  
603 losses; plans to ensure the safety and security of students and  
604 staff; plans to identify, minimize, and protect others from  
605 violent or disruptive student behavior; and the manner in which  
606 the school will be insured, including whether or not the school  
607 will be required to have liability insurance, and, if so, the  
608 terms and conditions thereof and the amounts of coverage.

609           12. The term of the charter which shall provide for

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610 cancellation of the charter if insufficient progress has been  
611 made in attaining the student achievement objectives of the  
612 charter and if it is not likely that such objectives can be  
613 achieved before expiration of the charter. The initial term of a  
614 charter shall be for 5 years, excluding 2 planning years. In  
615 order to facilitate access to long-term financial resources for  
616 charter school construction, charter schools that are operated  
617 by a municipality or other public entity as provided by law are  
618 eligible for up to a 15-year charter, subject to approval by the  
619 sponsor ~~district school board~~. A charter lab school is eligible  
620 for a charter for a term of up to 15 years. In addition, to  
621 facilitate access to long-term financial resources for charter  
622 school construction, charter schools that are operated by a  
623 private, not-for-profit, s. 501(c)(3) status corporation are  
624 eligible for up to a 15-year charter, subject to approval by the  
625 sponsor ~~district school board~~. Such long-term charters remain  
626 subject to annual review and may be terminated during the term  
627 of the charter, but only according to the provisions set forth  
628 in subsection (8).

629 13. The facilities to be used and their location. The  
630 sponsor may not require a charter school to have a certificate  
631 of occupancy or a temporary certificate of occupancy for such a  
632 facility earlier than 15 calendar days before the first day of  
633 school.

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

637 15. The governance structure of the school, including the  
638 status of the charter school as a public or private employer as

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639 required in paragraph (12) (i).

640 16. A timetable for implementing the charter which  
641 addresses the implementation of each element thereof and the  
642 date by which the charter shall be awarded in order to meet this  
643 timetable.

644 17. In the case of an existing public school that is being  
645 converted to charter status, alternative arrangements for  
646 current students who choose not to attend the charter school and  
647 for current teachers who choose not to teach in the charter  
648 school after conversion in accordance with the existing  
649 collective bargaining agreement or district school board rule in  
650 the absence of a collective bargaining agreement. However,  
651 alternative arrangements shall not be required for current  
652 teachers who choose not to teach in a charter lab school, except  
653 as authorized by the employment policies of the state university  
654 which grants the charter to the lab school.

655 18. Full disclosure of the identity of all relatives  
656 employed by the charter school who are related to the charter  
657 school owner, president, chairperson of the governing board of  
658 directors, superintendent, governing board member, principal,  
659 assistant principal, or any other person employed by the charter  
660 school who has equivalent decisionmaking authority. For the  
661 purpose of this subparagraph, the term "relative" means father,  
662 mother, son, daughter, brother, sister, uncle, aunt, first  
663 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
664 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
665 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
666 stepsister, half brother, or half sister.

667 19. Implementation of the activities authorized under s.

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668 1002.331 by the charter school when it satisfies the eligibility  
669 requirements for a high-performing charter school. A high-  
670 performing charter school shall notify its sponsor in writing by  
671 March 1 if it intends to increase enrollment or expand grade  
672 levels the following school year. The written notice shall  
673 specify the amount of the enrollment increase and the grade  
674 levels that will be added, as applicable.

675 (b) The sponsor has 30 days after approval of the  
676 application to provide an initial proposed charter contract to  
677 the charter school. The applicant and the sponsor have 40 days  
678 thereafter to negotiate and notice the charter contract for  
679 final approval by the sponsor unless both parties agree to an  
680 extension. The proposed charter contract shall be provided to  
681 the charter school at least 7 calendar days before the date of  
682 the meeting at which the charter is scheduled to be voted upon  
683 by the sponsor. The Department of Education shall provide  
684 mediation services for any dispute regarding this section  
685 subsequent to the approval of a charter application and for any  
686 dispute relating to the approved charter, except a dispute  
687 regarding a charter school application denial. If either the  
688 charter school or the sponsor indicates in writing that the  
689 party does not desire to settle any dispute arising under this  
690 section through mediation procedures offered by the Department  
691 of Education, a charter school may immediately appeal any formal  
692 or informal decision by the sponsor to an administrative law  
693 judge appointed by the Division of Administrative Hearings. If  
694 the Commissioner of Education determines that the dispute cannot  
695 be settled through mediation, the dispute may also be appealed  
696 to an administrative law judge appointed by the Division of



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697 Administrative Hearings. The administrative law judge has final  
698 order authority to rule on issues of equitable treatment of the  
699 charter school as a public school, whether proposed provisions  
700 of the charter violate the intended flexibility granted charter  
701 schools by statute, or any other matter regarding this section,  
702 except a dispute regarding charter school application denial, a  
703 charter termination, or a charter nonrenewal. The administrative  
704 law judge shall award the prevailing party reasonable attorney  
705 fees and costs incurred during the mediation process,  
706 administrative proceeding, and any appeals, to be paid by the  
707 party whom the administrative law judge rules against.

708 (d) A charter may be modified during its initial term or  
709 any renewal term upon the recommendation of the sponsor or the  
710 charter school's governing board and the approval of both  
711 parties to the agreement. Changes to curriculum which are  
712 consistent with state standards shall be deemed approved unless  
713 the sponsor determines in writing that the curriculum is  
714 inconsistent with state standards. Modification during any term  
715 may include, but is not limited to, consolidation of multiple  
716 charters into a single charter if the charters are operated  
717 under the same governing board, regardless of the renewal cycle.  
718 A charter school that is not subject to a school improvement  
719 plan and that closes as part of a consolidation shall be  
720 reported by the sponsor ~~school district~~ as a consolidation.

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

722 (c) A charter may be terminated immediately if the sponsor  
723 sets forth in writing the particular facts and circumstances  
724 demonstrating ~~indicating~~ that an immediate and serious danger to  
725 the health, safety, or welfare of the charter school's students

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726 exists, that the immediate and serious danger is likely to  
727 continue, and that an immediate termination of the charter is  
728 necessary. The sponsor's determination is subject to the  
729 procedures set forth in paragraph (b), except that the hearing  
730 may take place after the charter has been terminated. The  
731 sponsor shall notify in writing the charter school's governing  
732 board, the charter school principal, and the department of the  
733 facts and circumstances supporting the immediate termination ~~if~~  
734 ~~a charter is terminated immediately.~~ The sponsor shall clearly  
735 identify the specific issues that resulted in the immediate  
736 termination and provide evidence of prior notification of issues  
737 resulting in the immediate termination, if applicable ~~when~~  
738 ~~appropriate.~~ Upon receiving written notice from the sponsor, the  
739 charter school's governing board has 10 calendar days to request  
740 a hearing. A requested hearing must be expedited and the final  
741 order must be issued within 60 days after the date of request.  
742 The administrative law judge shall award reasonable attorney  
743 fees and costs to the prevailing party of any injunction,  
744 administrative proceeding, or appeal. The sponsor may seek an  
745 injunction in the circuit court in which the charter school is  
746 located to enjoin continued operation of the charter school if  
747 ~~shall assume operation of the charter school throughout the~~  
748 ~~pendency of the hearing under paragraph (b) unless the continued~~  
749 ~~operation of the charter school would materially threaten the~~  
750 ~~health, safety, or welfare of the students. Failure by the~~  
751 ~~sponsor to assume and continue operation of the charter school~~  
752 ~~shall result in the awarding of reasonable costs and attorney's~~  
753 ~~fees to the charter school if the charter school prevails on~~  
754 ~~appeal.~~

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755 (d) When a charter is not renewed or is terminated, the  
756 school shall be dissolved under the provisions of law under  
757 which the school was organized, and any unencumbered public  
758 funds, except for capital outlay funds and federal charter  
759 school program grant funds, from the charter school shall revert  
760 to the sponsor. Capital outlay funds provided pursuant to s.  
761 1013.62 and federal charter school program grant funds that are  
762 unencumbered shall revert to the department to be redistributed  
763 among eligible charter schools. In the event a charter school is  
764 dissolved or is otherwise terminated, all sponsor ~~district~~  
765 ~~school board~~ property and improvements, furnishings, and  
766 equipment purchased with public funds shall automatically revert  
767 to full ownership by the sponsor ~~district school board~~, subject  
768 to complete satisfaction of any lawful liens or encumbrances.  
769 Any unencumbered public funds from the charter school, ~~district~~  
770 ~~school board~~ property and improvements, furnishings, and  
771 equipment purchased with public funds, or financial or other  
772 records pertaining to the charter school, in the possession of  
773 any person, entity, or holding company, other than the charter  
774 school, shall be held in trust upon the sponsor's ~~district~~  
775 ~~school board's~~ request, until any appeal status is resolved.

776 (e) If a charter is not renewed or is terminated, the  
777 charter school is responsible for all debts of the charter  
778 school. The sponsor ~~district~~ may not assume the debt from any  
779 contract made between the governing body of the school and a  
780 third party, except for a debt that is previously detailed and  
781 agreed upon in writing by both the sponsor ~~district~~ and the  
782 governing body of the school and that may not reasonably be  
783 assumed to have been satisfied by the sponsor ~~district~~.

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784 (9) CHARTER SCHOOL REQUIREMENTS.—

785 (g)1. In order to provide financial information that is  
786 comparable to that reported for other public schools, charter  
787 schools are to maintain all financial records that constitute  
788 their accounting system:

789 a. In accordance with the accounts and codes prescribed in  
790 the most recent issuance of the publication titled "Financial  
791 and Program Cost Accounting and Reporting for Florida Schools";  
792 or

793 b. At the discretion of the charter school's governing  
794 board, a charter school may elect to follow generally accepted  
795 accounting standards for not-for-profit organizations, but must  
796 reformat this information for reporting according to this  
797 paragraph.

798 2. Charter schools shall provide annual financial report  
799 and program cost report information in the state-required  
800 formats for inclusion in sponsor ~~district~~ reporting in  
801 compliance with s. 1011.60(1). Charter schools that are operated  
802 by a municipality or are a component unit of a parent nonprofit  
803 organization may use the accounting system of the municipality  
804 or the parent but must reformat this information for reporting  
805 according to this paragraph.

806 3. A charter school shall, upon approval of the charter  
807 contract, provide the sponsor with a concise, uniform, monthly  
808 financial statement summary sheet that contains a balance sheet  
809 and a statement of revenue, expenditures, and changes in fund  
810 balance. The balance sheet and the statement of revenue,  
811 expenditures, and changes in fund balance shall be in the  
812 governmental funds format prescribed by the Governmental

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813 Accounting Standards Board. A high-performing charter school  
814 pursuant to s. 1002.331 may provide a quarterly financial  
815 statement in the same format and requirements as the uniform  
816 monthly financial statement summary sheet. The sponsor shall  
817 review each monthly or quarterly financial statement to identify  
818 the existence of any conditions identified in s. 1002.345(1)(a).

819 4. A charter school shall maintain and provide financial  
820 information as required in this paragraph. The financial  
821 statement required in subparagraph 3. must be in a form  
822 prescribed by the Department of Education.

823 (n)1. The director and a representative of the governing  
824 board of a charter school that has earned a grade of "D" or "F"  
825 pursuant to s. 1008.34 shall appear before the sponsor to  
826 present information concerning each contract component having  
827 noted deficiencies. The director and a representative of the  
828 governing board shall submit to the sponsor for approval a  
829 school improvement plan to raise student performance. Upon  
830 approval by the sponsor, the charter school shall begin  
831 implementation of the school improvement plan. The department  
832 shall offer technical assistance and training to the charter  
833 school and its governing board and establish guidelines for  
834 developing, submitting, and approving such plans.

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

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

841 (II) Contract with an outside entity that has a

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842 demonstrated record of effectiveness to operate the school;

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

845 (IV) Voluntarily close the charter school.

846 b. The charter school must implement the corrective action  
847 in the school year following receipt of a third consecutive  
848 grade below a "C."

849 c. The sponsor may annually waive a corrective action if it  
850 determines that the charter school is likely to improve a letter  
851 grade if additional time is provided to implement the  
852 intervention and support strategies prescribed by the school  
853 improvement plan. Notwithstanding this sub-subparagraph, a  
854 charter school that earns a second consecutive grade of "F" is  
855 subject to subparagraph 3.

856 d. A charter school is no longer required to implement a  
857 corrective action if it improves to a "C" or higher. However,  
858 the charter school must continue to implement strategies  
859 identified in the school improvement plan. The sponsor must  
860 annually review implementation of the school improvement plan to  
861 monitor the school's continued improvement pursuant to  
862 subparagraph 4.

863 e. A charter school implementing a corrective action that  
864 does not improve to a "C" or higher after 2 full school years of  
865 implementing the corrective action must select a different  
866 corrective action. Implementation of the new corrective action  
867 must begin in the school year following the implementation  
868 period of the existing corrective action, unless the sponsor  
869 determines that the charter school is likely to improve to a "C"  
870 or higher if additional time is provided to implement the

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871 existing corrective action. Notwithstanding this sub-  
872 subparagraph, a charter school that earns a second consecutive  
873 grade of "F" while implementing a corrective action is subject  
874 to subparagraph 3.

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

878 a. The charter school is established to turn around the  
879 performance of a district public school pursuant to s.  
880 1008.33(4)(b)2. Such charter schools shall be governed by s.  
881 1008.33;

882 b. The charter school serves a student population the  
883 majority of which resides in a school zone served by a district  
884 public school subject to s. 1008.33(4) and the charter school  
885 earns at least a grade of "D" in its third year of operation.  
886 The exception provided under this sub-subparagraph does not  
887 apply to a charter school in its fourth year of operation and  
888 thereafter; or

889 c. The state board grants the charter school a waiver of  
890 termination. The charter school must request the waiver within  
891 15 days after the department's official release of school  
892 grades. The state board may waive termination if the charter  
893 school demonstrates that the Learning Gains of its students on  
894 statewide assessments are comparable to or better than the  
895 Learning Gains of similarly situated students enrolled in nearby  
896 ~~district~~ public schools. The waiver is valid for 1 year and may  
897 only be granted once. Charter schools that have been in  
898 operation for more than 5 years are not eligible for a waiver  
899 under this sub-subparagraph.

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900

901 The sponsor shall notify the charter school's governing board,  
902 the charter school principal, and the department in writing when  
903 a charter contract is terminated under this subparagraph. A  
904 charter terminated under this subparagraph must follow the  
905 procedures for dissolution and reversion of public funds  
906 pursuant to paragraphs (8) (d)-(f) and (9) (o).

907 4. The director and a representative of the governing board  
908 of a graded charter school that has implemented a school  
909 improvement plan under this paragraph shall appear before the  
910 sponsor at least once a year to present information regarding  
911 the progress of intervention and support strategies implemented  
912 by the school pursuant to the school improvement plan and  
913 corrective actions, if applicable. The sponsor shall communicate  
914 at the meeting, and in writing to the director, the services  
915 provided to the school to help the school address its  
916 deficiencies.

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

920 (10) ELIGIBLE STUDENTS.—

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

923 1. Students who are siblings of a student enrolled in the  
924 charter school.

925 2. Students who are the children of a member of the  
926 governing board of the charter school.

927 3. Students who are the children of an employee of the  
928 charter school.



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- 929 4. Students who are the children of:
- 930 a. An employee of the business partner of a charter
- 931 school-in-the-workplace established under paragraph (15)(b) or a
- 932 resident of the municipality in which such charter school is
- 933 located; or
- 934 b. A resident or employee of a municipality that operates a
- 935 charter school-in-a-municipality pursuant to paragraph (15)(c)
- 936 or allows a charter school to use a school facility or portion
- 937 of land provided by the municipality for the operation of the
- 938 charter school.
- 939 5. Students who have successfully completed, during the
- 940 previous year, a voluntary prekindergarten education program
- 941 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
- 942 charter school's governing board, or a voluntary prekindergarten
- 943 provider that has a written agreement with the governing board
- 944 ~~during the previous year.~~
- 945 6. Students who are the children of an active duty member
- 946 of any branch of the United States Armed Forces.
- 947 7. Students who attended or are assigned to failing schools
- 948 pursuant to s. 1002.38(2).
- 949 (e) A charter school may limit the enrollment process only
- 950 to target the following student populations:
- 951 1. Students within specific age groups or grade levels.
- 952 2. Students considered at risk of dropping out of school or
- 953 academic failure. Such students shall include exceptional
- 954 education students.
- 955 3. Students enrolling in a charter school-in-the-workplace
- 956 or charter school-in-a-municipality established pursuant to
- 957 subsection (15).

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958 4. Students residing within a reasonable distance of the  
959 charter school, as described in paragraph (20)(c). Such students  
960 shall be subject to a random lottery and to the racial/ethnic  
961 balance provisions described in subparagraph (7)(a)8. or any  
962 federal provisions that require a school to achieve a  
963 racial/ethnic balance reflective of the community it serves or  
964 within the racial/ethnic range of other nearby public schools ~~in~~  
965 ~~the same school district.~~

966 5. Students who meet reasonable academic, artistic, or  
967 other eligibility standards established by the charter school  
968 and included in the charter school application and charter or,  
969 in the case of existing charter schools, standards that are  
970 consistent with the school's mission and purpose. Such standards  
971 shall be in accordance with current state law and practice in  
972 public schools and may not discriminate against otherwise  
973 qualified individuals.

974 6. Students articulating from one charter school to another  
975 pursuant to an articulation agreement between the charter  
976 schools that has been approved by the sponsor.

977 7. Students living in a development in which a developer,  
978 including any affiliated business entity or charitable  
979 foundation, contributes to the formation, acquisition,  
980 construction, or operation of one or more charter schools or  
981 charter ~~provides the school facilities facility~~ and related  
982 property in an amount equal to or having a total ~~an~~ appraised  
983 value of at least \$5 million to be used as a charter schools  
984 ~~school~~ to mitigate the educational impact created by the  
985 development of new residential dwelling units. Students living  
986 in the development are ~~shall be~~ entitled to ~~no more than~~ 50

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987 percent of the student stations in the charter schools ~~school~~.  
988 The students who are eligible for enrollment are subject to a  
989 random lottery, the racial/ethnic balance provisions, or any  
990 federal provisions, as described in subparagraph 4. The  
991 remainder of the student stations must ~~shall~~ be filled in  
992 accordance with subparagraph 4.

993 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION  
994 OF THE STATE AND SPONSOR SCHOOL ~~DISTRICT~~; CREDIT OR TAXING POWER  
995 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or  
996 otherwise secure funds for a charter school authorized in this  
997 section from a source other than the state or a sponsor school  
998 ~~district~~ shall indemnify the state and the sponsor school  
999 ~~district~~ from any and all liability, including, but not limited  
1000 to, financial responsibility for the payment of the principal or  
1001 interest. Any loans, bonds, or other financial agreements are  
1002 not obligations of the state or the sponsor school ~~district~~ but  
1003 are obligations of the charter school authority and are payable  
1004 solely from the sources of funds pledged by such agreement. The  
1005 credit or taxing power of the state or the sponsor school  
1006 ~~district~~ shall not be pledged and no debts shall be payable out  
1007 of any moneys except those of the legal entity in possession of  
1008 a valid charter approved by a sponsor district school board  
1009 pursuant to this section.

1010 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
1011 A-MUNICIPALITY.—

1012 (c) A charter school-in-a-municipality designation may be  
1013 granted to a municipality that possesses a charter; enrolls  
1014 students based upon a random lottery that involves all of the  
1015 children of the residents of that municipality who are seeking

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1016 enrollment, as provided for in subsection (10); and enrolls  
1017 students according to the racial/ethnic balance provisions  
1018 described in subparagraph (7)(a)8. When a municipality has  
1019 submitted charter applications for the establishment of a  
1020 charter school feeder pattern, consisting of elementary, middle,  
1021 and senior high schools, and each individual charter application  
1022 is approved by the sponsor ~~district school board~~, such schools  
1023 shall then be designated as one charter school for all purposes  
1024 listed pursuant to this section. Any portion of the land and  
1025 facility used for a public charter school shall be exempt from  
1026 ad valorem taxes, as provided for in s. 1013.54, for the  
1027 duration of its use as a public school.

1028 (17) FUNDING.—Students enrolled in a charter school,  
1029 regardless of the sponsorship, shall be funded as if they are in  
1030 a basic program or a special program, the same as students  
1031 enrolled in other public schools in a ~~the~~ school district.  
1032 Funding for a charter lab school shall be as provided in s.  
1033 1002.32.

1034 (a) Each charter school shall report its student enrollment  
1035 to the sponsor as required in s. 1011.62, and in accordance with  
1036 the definitions in s. 1011.61. The sponsor shall include each  
1037 charter school's enrollment in the sponsor's ~~district's~~ report  
1038 of student enrollment. All charter schools submitting student  
1039 record information required by the Department of Education shall  
1040 comply with the Department of Education's guidelines for  
1041 electronic data formats for such data, and all sponsors  
1042 ~~districts~~ shall accept electronic data that complies with the  
1043 Department of Education's electronic format.

1044 (b) 1. The basis for the agreement for funding students

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1045 enrolled in a charter school shall be the sum of the school  
1046 district's operating funds from the Florida Education Finance  
1047 Program as provided in s. 1011.62 and the General Appropriations  
1048 Act, including gross state and local funds, discretionary  
1049 lottery funds, and funds from the school district's current  
1050 operating discretionary millage levy; divided by total funded  
1051 weighted full-time equivalent students in the school district;  
1052 and multiplied by the weighted full-time equivalent students for  
1053 the charter school. Charter schools whose students or programs  
1054 meet the eligibility criteria in law are entitled to their  
1055 proportionate share of categorical program funds included in the  
1056 total funds available in the Florida Education Finance Program  
1057 by the Legislature, including transportation, the research-based  
1058 reading allocation, and the Florida digital classrooms  
1059 allocation. Total funding for each charter school shall be  
1060 recalculated during the year to reflect the revised calculations  
1061 under the Florida Education Finance Program by the state and the  
1062 actual weighted full-time equivalent students reported by the  
1063 charter school during the full-time equivalent student survey  
1064 periods designated by the Commissioner of Education. For charter  
1065 schools operated by a not-for-profit or municipal entity, any  
1066 unrestricted current and capital assets identified in the  
1067 charter school's annual financial audit may be used for other  
1068 charter schools operated by the not-for-profit or municipal  
1069 entity within the school district. Unrestricted current assets  
1070 shall be used in accordance with s. 1011.62, and any  
1071 unrestricted capital assets shall be used in accordance with s.  
1072 1013.62(2).

1073 2.a. Students enrolled in a charter school sponsored by a

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1074 state university or Florida College System institution pursuant  
1075 to paragraph (5) (a) shall be funded as if they are in a basic  
1076 program or a special program in the school district. The basis  
1077 for funding these students is the sum of the total operating  
1078 funds from the Florida Education Finance Program for the school  
1079 district in which the school is located as provided in s.  
1080 1011.62 and the General Appropriations Act, including gross  
1081 state and local funds, discretionary lottery funds, and funds  
1082 from each school district's current operating discretionary  
1083 millage levy, divided by total funded weighted full-time  
1084 equivalent students in the district, and multiplied by the full-  
1085 time equivalent membership of the charter school. The Department  
1086 of Education shall develop a tool that each state university or  
1087 Florida College System institution sponsoring a charter school  
1088 shall use for purposes of calculating the funding amount for  
1089 each eligible charter school student. The total amount obtained  
1090 from the calculation must be appropriated from state funds in  
1091 the General Appropriations Act to the charter school.

1092 b. Capital outlay funding for a charter school sponsored by  
1093 a state university or Florida College System institution  
1094 pursuant to paragraph (5) (a) is determined pursuant to s.  
1095 1013.62 and the General Appropriations Act.

1096 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
1097 schools shall receive all federal funding for which the school  
1098 is otherwise eligible, including Title I funding, not later than  
1099 5 months after the charter school first opens and within 5  
1100 months after any subsequent expansion of enrollment. Unless  
1101 otherwise mutually agreed to by the charter school and its  
1102 sponsor, and consistent with state and federal rules and

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1103 regulations governing the use and disbursement of federal funds,  
1104 the sponsor shall reimburse the charter school on a monthly  
1105 basis for all invoices submitted by the charter school for  
1106 federal funds available to the sponsor for the benefit of the  
1107 charter school, the charter school's students, and the charter  
1108 school's students as public school students in the school  
1109 district. Such federal funds include, but are not limited to,  
1110 Title I, Title II, and Individuals with Disabilities Education  
1111 Act (IDEA) funds. To receive timely reimbursement for an  
1112 invoice, the charter school must submit the invoice to the  
1113 sponsor at least 30 days before the monthly date of  
1114 reimbursement set by the sponsor. In order to be reimbursed, any  
1115 expenditures made by the charter school must comply with all  
1116 applicable state rules and federal regulations, including, but  
1117 not limited to, the applicable federal Office of Management and  
1118 Budget Circulars; the federal Education Department General  
1119 Administrative Regulations; and program-specific statutes,  
1120 rules, and regulations. Such funds may not be made available to  
1121 the charter school until a plan is submitted to the sponsor for  
1122 approval of the use of the funds in accordance with applicable  
1123 federal requirements. The sponsor has 30 days to review and  
1124 approve any plan submitted pursuant to this paragraph.

1125 (d) Charter schools shall be included by the Department of  
1126 Education and the district school board in requests for federal  
1127 stimulus funds in the same manner as district school board-  
1128 operated public schools, including Title I and IDEA funds and  
1129 shall be entitled to receive such funds. Charter schools are  
1130 eligible to participate in federal competitive grants that are  
1131 available as part of the federal stimulus funds.

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1132           (e) Sponsors ~~District school boards~~ shall make timely and  
1133 efficient payment and reimbursement to charter schools,  
1134 including processing paperwork required to access special state  
1135 and federal funding for which they may be eligible. Payments of  
1136 funds under paragraph (b) shall be made monthly or twice a  
1137 month, beginning with the start of the sponsor's ~~district school~~  
1138 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
1139 twenty-fourth, as applicable, of the total state and local funds  
1140 described in paragraph (b) and adjusted as set forth therein.  
1141 For the first 2 years of a charter school's operation, if a  
1142 minimum of 75 percent of the projected enrollment is entered  
1143 into the sponsor's student information system by the first day  
1144 of the current month, the sponsor ~~district school board~~ shall  
1145 distribute funds to the school for the months of July through  
1146 October based on the projected full-time equivalent student  
1147 membership of the charter school as submitted in the approved  
1148 application. If less than 75 percent of the projected enrollment  
1149 is entered into the sponsor's student information system by the  
1150 first day of the current month, the sponsor shall base payments  
1151 on the actual number of student enrollment entered into the  
1152 sponsor's student information system. Thereafter, the results of  
1153 full-time equivalent student membership surveys shall be used in  
1154 adjusting the amount of funds distributed monthly to the charter  
1155 school for the remainder of the fiscal year. The payments shall  
1156 be issued no later than 10 working days after the sponsor  
1157 ~~district school board~~ receives a distribution of state or  
1158 federal funds or the date the payment is due pursuant to this  
1159 subsection. If a warrant for payment is not issued within 10  
1160 working days after receipt of funding by the sponsor ~~district~~



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1161 ~~school board~~, the sponsor ~~school district~~ shall pay to the  
1162 charter school, in addition to the amount of the scheduled  
1163 disbursement, interest at a rate of 1 percent per month  
1164 calculated on a daily basis on the unpaid balance from the  
1165 expiration of the 10 working days until such time as the warrant  
1166 is issued. The district school board may not delay payment to a  
1167 charter school of any portion of the funds provided in paragraph  
1168 (b) based on the timing of receipt of local funds by the  
1169 district school board.

1170 (f) Funding for a virtual charter school shall be as  
1171 provided in s. 1002.45(7).

1172 (g) To be eligible for public education capital outlay  
1173 (PECO) funds, a charter school must be located in the State of  
1174 Florida.

1175 (h) A charter school that implements a schoolwide standard  
1176 student attire policy pursuant to s. 1011.78 is eligible to  
1177 receive incentive payments.

1178 (18) FACILITIES.—

1179 (e) If a district school board facility or property is  
1180 available because it is surplus, marked for disposal, or  
1181 otherwise unused, it shall be provided for a charter school's  
1182 use on the same basis as it is made available to other public  
1183 schools in the district. A charter school receiving property  
1184 from the sponsor ~~school district~~ may not sell or dispose of such  
1185 property without written permission of the sponsor ~~school~~  
1186 ~~district~~. Similarly, for an existing public school converting to  
1187 charter status, no rental or leasing fee for the existing  
1188 facility or for the property normally inventoried to the  
1189 conversion school may be charged by the district school board to

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1190 the parents and teachers organizing the charter school. The  
1191 charter school shall agree to reasonable maintenance provisions  
1192 in order to maintain the facility in a manner similar to  
1193 district school board standards. The Public Education Capital  
1194 Outlay maintenance funds or any other maintenance funds  
1195 generated by the facility operated as a conversion school shall  
1196 remain with the conversion school.

1197 (20) SERVICES.—

1198 (a)1. A sponsor shall provide certain administrative and  
1199 educational services to charter schools. These services shall  
1200 include contract management services; full-time equivalent and  
1201 data reporting services; exceptional student education  
1202 administration services; services related to eligibility and  
1203 reporting duties required to ensure that school lunch services  
1204 under the National School Lunch Program, consistent with the  
1205 needs of the charter school, are provided by the sponsor ~~school~~  
1206 ~~district~~ at the request of the charter school, that any funds  
1207 due to the charter school under the National School Lunch  
1208 Program be paid to the charter school as soon as the charter  
1209 school begins serving food under the National School Lunch  
1210 Program, and that the charter school is paid at the same time  
1211 and in the same manner under the National School Lunch Program  
1212 as other public schools serviced by the sponsor or the school  
1213 district; test administration services, including payment of the  
1214 costs of state-required or district-required student  
1215 assessments; processing of teacher certificate data services;  
1216 and information services, including equal access to the  
1217 sponsor's student information systems that are used by public  
1218 schools in the district in which the charter school is located

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1219 or by schools in the sponsor's portfolio of charter schools if  
1220 the sponsor is not a school district. Student performance data  
1221 for each student in a charter school, including, but not limited  
1222 to, FCAT scores, standardized test scores, previous public  
1223 school student report cards, and student performance measures,  
1224 shall be provided by the sponsor to a charter school in the same  
1225 manner provided to other public schools in the district or by  
1226 schools in the sponsor's portfolio of charter schools if the  
1227 sponsor is not a school district.

1228         2. A sponsor may withhold an administrative fee for the  
1229 provision of such services which shall be a percentage of the  
1230 available funds defined in paragraph (17) (b) calculated based on  
1231 weighted full-time equivalent students. If the charter school  
1232 serves 75 percent or more exceptional education students as  
1233 defined in s. 1003.01(3), the percentage shall be calculated  
1234 based on unweighted full-time equivalent students. The  
1235 administrative fee shall be calculated as follows:

1236         a. Up to 5 percent for:

1237             (I) Enrollment of up to and including 250 students in a  
1238 charter school as defined in this section.

1239             (II) Enrollment of up to and including 500 students within  
1240 a charter school system which meets all of the following:

1241                 (A) Includes conversion charter schools and nonconversion  
1242 charter schools.

1243                 (B) Has all of its schools located in the same county.

1244                 (C) Has a total enrollment exceeding the total enrollment  
1245 of at least one school district in this ~~the~~ state.

1246                 (D) Has the same governing board for all of its schools.

1247                 (E) Does not contract with a for-profit service provider

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1248 for management of school operations.

1249 (III) Enrollment of up to and including 250 students in a  
1250 virtual charter school.

1251 b. Up to 2 percent for enrollment of up to and including  
1252 250 students in a high-performing charter school as defined in  
1253 s. 1002.331.

1254 c. Up to 2 percent for enrollment of up to and including  
1255 250 students in an exceptional student education center that  
1256 meets the requirements of the rules adopted by the State Board  
1257 of Education pursuant to s. 1008.3415(3).

1258 3. A sponsor may not charge charter schools any additional  
1259 fees or surcharges for administrative and educational services  
1260 in addition to the maximum percentage of administrative fees  
1261 withheld pursuant to this paragraph.

1262 4. A sponsor shall provide to the department by September  
1263 15 of each year the total amount of funding withheld from  
1264 charter schools pursuant to this subsection for the prior fiscal  
1265 year. The department must include the information in the report  
1266 required under sub-sub-subparagraph (5)(b)1.k.(III).

1267 (b) If goods and services are made available to the charter  
1268 school through the contract with the sponsor ~~school district~~,  
1269 they shall be provided to the charter school at a rate no  
1270 greater than the sponsor's ~~district's~~ actual cost unless  
1271 mutually agreed upon by the charter school and the sponsor in a  
1272 contract negotiated separately from the charter. When mediation  
1273 has failed to resolve disputes over contracted services or  
1274 contractual matters not included in the charter, an appeal may  
1275 be made to an administrative law judge appointed by the Division  
1276 of Administrative Hearings. The administrative law judge has

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1277 final order authority to rule on the dispute. The administrative  
1278 law judge shall award the prevailing party reasonable attorney  
1279 fees and costs incurred during the mediation process,  
1280 administrative proceeding, and any appeals, to be paid by the  
1281 party whom the administrative law judge rules against. To  
1282 maximize the use of state funds, sponsors ~~school districts~~ shall  
1283 allow charter schools to participate in the sponsor's bulk  
1284 purchasing program if applicable.

1285 (c) Transportation of charter school students shall be  
1286 provided by the charter school consistent with the requirements  
1287 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1288 body of the charter school may provide transportation through an  
1289 agreement or contract with the sponsor ~~district school board~~, a  
1290 private provider, or parents. The charter school and the sponsor  
1291 shall cooperate in making arrangements that ensure that  
1292 transportation is not a barrier to equal access for all students  
1293 residing within a reasonable distance of the charter school as  
1294 determined in its charter.

1295 (d) Each charter school shall annually complete and submit  
1296 a survey, provided in a format specified by the Department of  
1297 Education, to rate the timeliness and quality of services  
1298 provided by the sponsor ~~district~~ in accordance with this  
1299 section. The department shall compile the results, by sponsor  
1300 ~~district~~, and include the results in the report required under  
1301 sub-sub-paragraph (5) (b) 1.k. (III).

1302 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1303 (a) The Department of Education shall provide information  
1304 to the public, directly and through sponsors, on how to form and  
1305 operate a charter school and how to enroll in a charter school

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1306 once it is created. This information shall include the standard  
1307 application form, standard charter contract, standard evaluation  
1308 instrument, and standard charter renewal contract, which shall  
1309 include the information specified in subsection (7) and shall be  
1310 developed by consulting and negotiating with both sponsors  
1311 ~~school districts~~ and charter schools before implementation. The  
1312 charter and charter renewal contracts shall be used by charter  
1313 school sponsors.

1314 (b)1. The Department of Education shall report to each  
1315 charter school receiving a school grade pursuant to s. 1008.34  
1316 or a school improvement rating pursuant to s. 1008.341 the  
1317 school's student assessment data.

1318 2. The charter school shall report the information in  
1319 subparagraph 1. to each parent of a student at the charter  
1320 school, the parent of a child on a waiting list for the charter  
1321 school, the sponsor ~~district in which the charter school is~~  
1322 ~~located~~, and the governing board of the charter school. This  
1323 paragraph does not abrogate the provisions of s. 1002.22,  
1324 relating to student records, or the requirements of 20 U.S.C. s.  
1325 1232g, the Family Educational Rights and Privacy Act.

1326 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
1327 SCHOOL SYSTEMS.—

1328 (a) A charter school system's governing board shall be  
1329 designated a local educational agency for the purpose of  
1330 receiving federal funds, the same as though the charter school  
1331 system were a school district, if the governing board of the  
1332 charter school system has adopted and filed a resolution with  
1333 its sponsor ~~sponsoring district school board~~ and the Department  
1334 of Education in which the governing board of the charter school

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1335 system accepts the full responsibility for all local education  
1336 agency requirements and the charter school system meets all of  
1337 the following:

- 1338 1. Has all schools located in the same county;
- 1339 2. Has a total enrollment exceeding the total enrollment of  
1340 at least one school district in this ~~the~~ state; and
- 1341 3. Has the same governing board.

1342

1343 Such designation does not apply to other provisions unless  
1344 specifically provided in law.

1345 (28) RULEMAKING.—The Department of Education, after  
1346 consultation with sponsors ~~school districts~~ and charter school  
1347 directors, shall recommend that the State Board of Education  
1348 adopt rules to implement specific subsections of this section.  
1349 Such rules shall require minimum paperwork and shall not limit  
1350 charter school flexibility authorized by statute. The State  
1351 Board of Education shall adopt rules, pursuant to ss. 120.536(1)  
1352 and 120.54, to implement a standard charter application form,  
1353 standard application form for the replication of charter schools  
1354 in a high-performing charter school system, standard evaluation  
1355 instrument, and standard charter and charter renewal contracts  
1356 in accordance with this section.

1357 Section 3. Paragraph (a) of subsection (1), paragraph (a)  
1358 of subsection (2), and paragraph (b) of subsection (3) of  
1359 section 1002.331, Florida Statutes, are amended to read:

1360 1002.331 High-performing charter schools.—

1361 (1) A charter school is a high-performing charter school if  
1362 it:

1363 (a) 1. Received at least two school grades of "A" and no

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1364 school grade below "B," pursuant to s. 1008.34, during each of  
1365 the previous 3 school years or received at least two consecutive  
1366 school grades of "A" in the most recent 2 school years for the  
1367 years that the school received a grade; or

1368 2. Receives, during its first 3 years of operation, funding  
1369 through the National Fund of the Charter School Growth Fund, and  
1370 has received no school grade lower than a "C," pursuant to s.  
1371 1008.34, during each of the previous 3 school years for the  
1372 years that the school received a grade.

1373

1374 For purposes of determining initial eligibility, the  
1375 requirements of paragraphs (b) and (c) only apply for the most  
1376 recent 2 fiscal years if the charter school earns two  
1377 consecutive grades of "A." A virtual charter school established  
1378 under s. 1002.33 is not eligible for designation as a high-  
1379 performing charter school.

1380 (2) A high-performing charter school is authorized to:

1381 (a) Increase its student enrollment once per school year to  
1382 more than the capacity identified in the charter, but student  
1383 enrollment may not exceed the capacity of the facility at the  
1384 time the enrollment increase will take effect. Facility capacity  
1385 for purposes of ~~grade-level~~ expansion shall include any  
1386 improvements to an existing facility or any new facility in  
1387 which ~~a majority of~~ the students of the high-performing charter  
1388 school will enroll.

1389

1390 A high-performing charter school shall notify its sponsor in  
1391 writing by March 1 if it intends to increase enrollment or  
1392 expand grade levels the following school year. The written



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1393 notice shall specify the amount of the enrollment increase and  
1394 the grade levels that will be added, as applicable. If a charter  
1395 school notifies the sponsor of its intent to expand, the sponsor  
1396 shall modify the charter within 90 days to include the new  
1397 enrollment maximum and may not make any other changes. The  
1398 sponsor may deny a request to increase the enrollment of a high-  
1399 performing charter school if the commissioner has declassified  
1400 the charter school as high-performing. If a high-performing  
1401 charter school requests to consolidate multiple charters, the  
1402 sponsor shall have 40 days after receipt of that request to  
1403 provide an initial draft charter to the charter school. The  
1404 sponsor and charter school shall have 50 days thereafter to  
1405 negotiate and notice the charter contract for final approval by  
1406 the sponsor.

1407 (3)

1408 (b) A high-performing charter school may submit ~~not~~  
1409 ~~establish more than two applications for a charter school to be~~  
1410 opened schools within this the state under paragraph (a) at a  
1411 time determined by the high-performing charter school in any  
1412 year. A subsequent application to establish a charter school  
1413 under paragraph (a) may not be submitted unless each charter  
1414 school applicant commences operations or an application is  
1415 otherwise withdrawn ~~established in this manner achieves high-~~  
1416 ~~performing charter school status~~. However, a high-performing  
1417 charter school may establish more than one charter school within  
1418 this the state under paragraph (a) in any year if it operates in  
1419 the area of a persistently low-performing school and serves  
1420 students from that school. This paragraph applies to any high-  
1421 performing charter school with an existing approved application.

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1422 Section 4. Paragraph (c) of subsection (1), paragraphs (a),  
1423 (g), and (h) of subsection (6), paragraph (d) of subsection (7),  
1424 and paragraph (b) of subsection (10) of section 1002.333,  
1425 Florida Statutes, are amended, and paragraph (e) is added to  
1426 subsection (9) of that section, to read:

1427 1002.333 Persistently low-performing schools.—

1428 (1) DEFINITIONS.—As used in this section, the term:

1429 (c) "Persistently low-performing school" means a school  
1430 that has earned three grades lower than a "C," pursuant to s.  
1431 1008.34, in at least 3 of the previous 5 years that the school  
1432 received a grade and has not earned a grade of "B" or higher in  
1433 the most recent 2 school years, and a school that was closed  
1434 pursuant to s. 1008.33(4) within 2 years after the submission of  
1435 a notice of intent.

1436 (6) STATUTORY AUTHORITY.—

1437 (a) A school of hope or a nonprofit entity that operates  
1438 more than one school of hope through a performance-based  
1439 agreement with a school district may be designated as a local  
1440 education agency by the department, if requested, for the  
1441 purposes of receiving federal funds and, in doing so, accepts  
1442 the full responsibility for all local education agency  
1443 requirements and the schools for which it will perform local  
1444 education agency responsibilities.

1445 1. A nonprofit entity designated as a local education  
1446 agency may report its students to the department in accordance  
1447 with the definitions in s. 1011.61 and pursuant to the  
1448 department's procedures and timelines.

1449 2. Students enrolled in a school established by a hope  
1450 operator designated as a local educational agency are not

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1451 eligible students for purposes of calculating the district grade  
1452 pursuant to s. 1008.34(5).

1453 (g) Each school of hope that has not been designated as a  
1454 local education agency shall report its students to the school  
1455 district as required in s. 1011.62, and in accordance with the  
1456 definitions in s. 1011.61. The school district shall include  
1457 each charter school's enrollment in the district's report of  
1458 student enrollment. All charter schools submitting student  
1459 record information required by the department shall comply with  
1460 the department's guidelines for electronic data formats for such  
1461 data, and all districts shall accept electronic data that  
1462 complies with the department's electronic format.

1463 (h)1. A school of hope shall provide the school district  
1464 with a concise, uniform, quarterly financial statement summary  
1465 sheet that contains a balance sheet and a statement of revenue,  
1466 expenditures, and changes in fund balance. The balance sheet and  
1467 the statement of revenue, expenditures, and changes in fund  
1468 balance shall be in the governmental fund format prescribed by  
1469 the Governmental Accounting Standards Board. Additionally, a  
1470 school of hope shall comply with the annual audit requirement  
1471 for charter schools in s. 218.39.

1472 2. A school of hope is in compliance with subparagraph 1.  
1473 if it is operated by a nonprofit entity designated as a local  
1474 education agency and if the nonprofit submits to each school  
1475 district in which it operates a school of hope:

1476 a. A concise, uniform, quarterly financial statement  
1477 summary sheet that contains a balance sheet summarizing the  
1478 revenue, expenditures, and changes in fund balance for the  
1479 entity and for its schools of hope within the school district.

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1480 b. An annual financial audit of the nonprofit which  
1481 includes all schools of hope it operates within this state and  
1482 which complies with s. 218.39 regarding audits of a school  
1483 board.

1484 (7) FACILITIES.—

1485 (d) No later than January ~~October~~ 1, the department ~~each~~  
1486 ~~school district~~ shall annually provide to school districts ~~the~~  
1487 ~~Department of Education~~ a list of all underused, vacant, or  
1488 surplus facilities owned or operated by the school district as  
1489 reported in the Florida Inventory of School Houses. A school  
1490 district may provide evidence to the department that the list  
1491 contains errors or omissions within 30 days after receipt of the  
1492 list. By each April 1, the department shall update and publish a  
1493 final list of all underused, vacant, or surplus facilities owned  
1494 or operated by each school district, based upon updated  
1495 information provided by each school district. A hope operator  
1496 establishing a school of hope may use an educational facility  
1497 identified in this paragraph at no cost or at a mutually  
1498 agreeable cost not to exceed \$600 per student. A hope operator  
1499 using a facility pursuant to this paragraph may not sell or  
1500 dispose of such facility without the written permission of the  
1501 school district. For purposes of this paragraph, the term  
1502 “underused, vacant, or surplus facility” means an entire  
1503 facility or portion thereof which is not fully used or is used  
1504 irregularly or intermittently by the school district for  
1505 instructional or program use.

1506 (9) FUNDING.—

1507 (e) For a nonprofit entity designated by the department as  
1508 a local education agency pursuant to paragraph (6) (h), any

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1509 unrestricted current and capital assets identified in the annual  
1510 financial audit required by sub-subparagraph (6)(h)2.b. may be  
1511 used for any other school of hope operated by the local  
1512 education agency within the same district. Unrestricted current  
1513 assets shall be used in accordance with s. 1011.62, and any  
1514 unrestricted capital assets shall be used in accordance with s.  
1515 1013.62(2).

1516 (10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program  
1517 is created within the Department of Education.

1518 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,  
1519 funds allocated for the purpose of this subsection which are not  
1520 disbursed by June 30 of the fiscal year in which the funds are  
1521 allocated may be carried forward for up to 7 ~~5~~ years after the  
1522 effective date of the original appropriation.

1523 Section 5. Paragraph (d) of subsection (1) and paragraph  
1524 (a) of subsection (2) of section 1002.45, Florida Statutes, are  
1525 amended to read:

1526 1002.45 Virtual instruction programs.—

1527 (1) PROGRAM.—

1528 (d) A virtual charter school may provide full-time or part-  
1529 time virtual instruction for students in kindergarten through  
1530 grade 12 if the virtual charter school has a charter approved  
1531 pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
1532 ~~instruction~~. A virtual charter school may:

1533 1. Contract with the Florida Virtual School.

1534 2. Contract with an approved provider under subsection (2).

1535 3. Enter into an agreement with a school district to allow  
1536 the participation of the virtual charter school's students in  
1537 the school district's virtual instruction program. The agreement

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1538 must indicate a process for reporting of student enrollment and  
1539 the transfer of funds required by paragraph (7) (e).

1540 (2) PROVIDER QUALIFICATIONS.—

1541 (a) The department shall annually publish online a list of  
1542 providers approved to offer virtual instruction programs. To be  
1543 approved by the department, a provider must document that it:

1544 1. Is nonsectarian in its programs, admission policies,  
1545 employment practices, and operations;

1546 2. Complies with the antidiscrimination provisions of s.  
1547 1000.05;

1548 3. Locates an administrative office or offices in this  
1549 state, requires its administrative staff to be state residents,  
1550 requires all instructional staff to be Florida-certified  
1551 teachers under chapter 1012 and conducts background screenings  
1552 for all employees or contracted personnel, as required by s.  
1553 1012.32, using state and national criminal history records;

1554 4. Provides to parents and students specific information  
1555 posted and accessible online that includes, but is not limited  
1556 to, the following teacher-parent and teacher-student contact  
1557 information for each course:

1558 a. How to contact the instructor via phone, e-mail, or  
1559 online messaging tools.

1560 b. How to contact technical support via phone, e-mail, or  
1561 online messaging tools.

1562 c. How to contact the administration office via phone, e-  
1563 mail, or online messaging tools.

1564 d. Any requirement for regular contact with the instructor  
1565 for the course and clear expectations for meeting the  
1566 requirement.

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1567 e. The requirement that the instructor in each course must,  
1568 at a minimum, conduct one contact ~~via phone~~ with the parent and  
1569 the student each month;

1570 5. Possesses prior, successful experience offering online  
1571 courses to elementary, middle, or high school students as  
1572 demonstrated by quantified student learning gains in each  
1573 subject area and grade level provided for consideration as an  
1574 instructional program option. However, for a provider without  
1575 sufficient prior, successful experience offering online courses,  
1576 the department may conditionally approve the provider to offer  
1577 courses measured pursuant to subparagraph (8)(a)2. Conditional  
1578 approval shall be valid for 1 school year only and, based on the  
1579 provider's experience in offering the courses, the department  
1580 shall determine whether to grant approval to offer a virtual  
1581 instruction program;

1582 6. Is accredited by a regional accrediting association as  
1583 defined by State Board of Education rule;

1584 7. Ensures instructional and curricular quality through a  
1585 detailed curriculum and student performance accountability plan  
1586 that addresses every subject and grade level it intends to  
1587 provide through contract with the school district, including:

1588 a. Courses and programs that meet the standards of the  
1589 International Association for K-12 Online Learning and the  
1590 Southern Regional Education Board.

1591 b. Instructional content and services that align with, and  
1592 measure student attainment of, student proficiency in the Next  
1593 Generation Sunshine State Standards.

1594 c. Mechanisms that determine and ensure that a student has  
1595 satisfied requirements for grade level promotion and high school

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1596 graduation with a standard diploma, as appropriate;

1597 8. Publishes for the general public, in accordance with  
1598 disclosure requirements adopted in rule by the State Board of  
1599 Education, as part of its application as a provider and in all  
1600 contracts negotiated pursuant to this section:

1601 a. Information and data about the curriculum of each full-  
1602 time and part-time program.

1603 b. School policies and procedures.

1604 c. Certification status and physical location of all  
1605 administrative and instructional personnel.

1606 d. Hours and times of availability of instructional  
1607 personnel.

1608 e. Student-teacher ratios.

1609 f. Student completion and promotion rates.

1610 g. Student, educator, and school performance accountability  
1611 outcomes;

1612 9. If the provider is a Florida College System institution,  
1613 employs instructors who meet the certification requirements for  
1614 instructional staff under chapter 1012; and

1615 10. Performs an annual financial audit of its accounts and  
1616 records conducted by an independent certified public accountant  
1617 which is in accordance with rules adopted by the Auditor  
1618 General, is conducted in compliance with generally accepted  
1619 auditing standards, and includes a report on financial  
1620 statements presented in accordance with generally accepted  
1621 accounting principles.

1622 Section 6. Paragraph (a) of subsection (1) of section  
1623 1003.493, Florida Statutes, is amended to read:

1624 1003.493 Career and professional academies and career-



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1625 themed courses.—

1626 (1) (a) A “career and professional academy” is a research-  
1627 based program that integrates a rigorous academic curriculum  
1628 with an industry-specific curriculum aligned directly to  
1629 priority workforce needs established by the local workforce  
1630 development board or the Department of Economic Opportunity.  
1631 Career and professional academies shall be offered by public  
1632 schools and school districts. Career and professional academies  
1633 may be offered by charter schools. The Florida Virtual School is  
1634 encouraged to develop and offer rigorous career and professional  
1635 courses as appropriate. Students completing career and  
1636 professional academy programs must receive a standard high  
1637 school diploma, the highest available industry certification,  
1638 and opportunities to earn postsecondary credit if the academy  
1639 partners with a postsecondary institution approved to operate in  
1640 the state.

1641 Section 7. Present subsection (3) of section 1008.3415,  
1642 Florida Statutes, is redesignated as subsection (4), and a new  
1643 subsection (3) is added to that section, to read:

1644 1008.3415 School grade or school improvement rating for  
1645 exceptional student education centers.—

1646 (3) A charter school that is an exceptional student  
1647 education center and that receives two consecutive ratings of  
1648 “maintaining” or higher may replicate its educational program  
1649 under s. 1002.331(3). The Commissioner of Education, upon  
1650 request by a charter school, shall verify that the charter  
1651 school meets the requirements of this subsection and provide a  
1652 letter to the charter school and the sponsor stating that the  
1653 charter school may replicate its educational program in the same

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1654 manner as a high-performing charter school under s. 1002.331(3).

1655 Section 8. Subsection (2) of section 1012.32, Florida  
1656 Statutes, is amended to read:

1657 1012.32 Qualifications of personnel.—

1658 (2) (a) Instructional and noninstructional personnel who are  
1659 hired or contracted to fill positions that require direct  
1660 contact with students in any district school system or  
1661 university lab school must, upon employment or engagement to  
1662 provide services, undergo background screening as required under  
1663 s. 1012.465 or s. 1012.56, whichever is applicable.

1664 (b) 1. Instructional and noninstructional personnel who are  
1665 hired or contracted to fill positions in a ~~any~~ charter school  
1666 other than a school of hope as defined in s. 1002.333, and  
1667 members of the governing board of such ~~any~~ charter school, in  
1668 compliance with s. 1002.33(12)(g), ~~must,~~ upon employment,  
1669 engagement of services, or appointment, shall undergo background  
1670 screening as required under s. 1012.465 or s. 1012.56, whichever  
1671 is applicable, by filing with the district school board for the  
1672 school district in which the charter school is located a  
1673 complete set of fingerprints taken by an authorized law  
1674 enforcement agency or an employee of the school or school  
1675 district who is trained to take fingerprints.

1676 2. Instructional and noninstructional personnel who are  
1677 hired or contracted to fill positions in a school of hope as  
1678 defined in s. 1002.333, and members of the governing board of  
1679 such school of hope, shall file with the school of hope a  
1680 complete set of fingerprints taken by an authorized law  
1681 enforcement agency, by an employee of the school of hope or  
1682 school district who is trained to take fingerprints, or by any

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1683 other entity recognized by the Department of Law Enforcement to  
1684 take fingerprints.

1685 (c) Instructional and noninstructional personnel who are  
1686 hired or contracted to fill positions that require direct  
1687 contact with students in an alternative school that operates  
1688 under contract with a district school system must, upon  
1689 employment or engagement to provide services, undergo background  
1690 screening as required under s. 1012.465 or s. 1012.56, whichever  
1691 is applicable, by filing with the district school board for the  
1692 school district to which the alternative school is under  
1693 contract a complete set of fingerprints taken by an authorized  
1694 law enforcement agency or an employee of the school or school  
1695 district who is trained to take fingerprints.

1696 (d) Student teachers and persons participating in a field  
1697 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1698 district school system, lab school, or charter school must, upon  
1699 engagement to provide services, undergo background screening as  
1700 required under s. 1012.56.

1701  
1702 Required fingerprints must ~~shall~~ be submitted to the Department  
1703 of Law Enforcement for statewide criminal and juvenile records  
1704 checks and to the Federal Bureau of Investigation for federal  
1705 criminal records checks. A person subject to this subsection who  
1706 is found ineligible for employment under s. 1012.315, or  
1707 otherwise found through background screening to have been  
1708 convicted of any crime involving moral turpitude as defined by  
1709 rule of the State Board of Education, shall not be employed,  
1710 engaged to provide services, or serve in any position that  
1711 requires direct contact with students. Probationary persons

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1712 subject to this subsection terminated because of their criminal  
1713 record have the right to appeal such decisions. The cost of the  
1714 background screening may be borne by the district school board,  
1715 the charter school, the employee, the contractor, or a person  
1716 subject to this subsection. A district school board shall  
1717 reimburse a charter school the cost of background screening if  
1718 it does not notify the charter school of the eligibility of a  
1719 governing board member or instructional or noninstructional  
1720 personnel within the earlier of 14 days after receipt of the  
1721 background screening results from the Florida Department of Law  
1722 Enforcement or 30 days of submission of fingerprints by the  
1723 governing board member or instructional or noninstructional  
1724 personnel.

1725 Section 9. Paragraph (a) of subsection (1) of section  
1726 1013.62, Florida Statutes, is amended to read:

1727 1013.62 Charter schools capital outlay funding.-

1728 (1) For the 2020-2021 fiscal year, charter school capital  
1729 outlay funding shall consist of state funds appropriated in the  
1730 2020-2021 General Appropriations Act. Beginning in fiscal year  
1731 2021-2022, charter school capital outlay funding shall consist  
1732 of state funds when such funds are appropriated in the General  
1733 Appropriations Act and revenue resulting from the discretionary  
1734 millage authorized in s. 1011.71(2) if the amount of state funds  
1735 appropriated for charter school capital outlay in any fiscal  
1736 year is less than the average charter school capital outlay  
1737 funds per unweighted full-time equivalent student for the 2018-  
1738 2019 fiscal year, multiplied by the estimated number of charter  
1739 school students for the applicable fiscal year, and adjusted by  
1740 changes in the Consumer Price Index issued by the United States

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1741 Department of Labor from the previous fiscal year. Nothing in  
1742 this subsection prohibits a school district from distributing to  
1743 charter schools funds resulting from the discretionary millage  
1744 authorized in s. 1011.71(2).

1745 (a) To be eligible to receive capital outlay funds, a  
1746 charter school must:

1747 1.a. Have been in operation for 2 or more years;

1748 b. Be governed by a governing board established in the  
1749 state for 2 or more years which operates both charter schools  
1750 and conversion charter schools within the state;

1751 c. Be an expanded feeder chain of a charter school within  
1752 the same school district that is currently receiving charter  
1753 school capital outlay funds;

1754 d. Have been accredited by a regional accrediting  
1755 association as defined by State Board of Education rule; ~~or~~

1756 e. Serve students in facilities that are provided by a  
1757 business partner for a charter school-in-the-workplace pursuant  
1758 to s. 1002.33(15)(b); or

1759 f. Be operated by a hope operator pursuant to s. 1002.333.

1760 2. Have an annual audit that does not reveal any of the  
1761 financial emergency conditions provided in s. 218.503(1) for the  
1762 most recent fiscal year for which such audit results are  
1763 available.

1764 3. Have satisfactory student achievement based on state  
1765 accountability standards applicable to the charter school.

1766 4. Have received final approval from its sponsor pursuant  
1767 to s. 1002.33 for operation during that fiscal year.

1768 5. Serve students in facilities that are not provided by  
1769 the charter school's sponsor.

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1770           Section 10. If any provision of this act or its application  
1771 to any person or circumstance is held invalid, the invalidity  
1772 does not affect other provisions or applications of the act  
1773 which can be given effect without the invalid provision or  
1774 application, and to this end the provisions of this act are  
1775 severable.

1776           Section 11. This act shall take effect July 1, 2021.