

20211028e1

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; amending s. 1002.33, F.S.; authorizing  
6     state universities and Florida College System  
7     institutions to solicit applications and sponsor  
8     charter schools under certain circumstances;  
9     prohibiting certain charter schools from being  
10    sponsored by a Florida College System institution  
11    until such charter schools' existing charter expires;  
12    authorizing a state university or Florida College  
13    System institution to, at its discretion, deny an  
14    application for a charter school; revising the  
15    contents of an annual report that charter school  
16    sponsors must provide to the Department of Education;  
17    revising the date by which the department must post a  
18    specified annual report; revising provisions relating  
19    to Florida College System institutions that are  
20    operating charter schools; prohibiting certain  
21    interlocal agreements; requiring the board of trustees  
22    of a state university or Florida College System  
23    institution that is sponsoring a charter school to  
24    serve as the local educational agency for such school;  
25    prohibiting certain charter school students from being  
26    included in specified school district grade  
27    calculations; requiring the department to develop a  
28    sponsor evaluation framework; providing requirements  
29    for the framework; requiring the department to compile

20211028e1

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

20211028e1

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

20211028e1

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

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Subsection (2) of section 1002.32, Florida  
110 Statutes, is amended to read:

111 1002.32 Developmental research (laboratory) schools.—  
112 (2) ESTABLISHMENT.—There is established a category of  
113 public schools to be known as developmental research  
114 (laboratory) schools (lab schools). Each lab school shall  
115 provide sequential instruction and shall be affiliated with the  
116 college of education within the state university of closest

20211028e1

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

138 Section 2. Paragraph (c) of subsection (2), subsection (5),  
139 paragraphs (b) and (d) of subsection (6), paragraphs (a), (b),  
140 and (d) of subsection (7), paragraphs (c), (d), and (e) of  
141 subsection (8), paragraphs (g) and (n) of subsection (9),  
142 paragraphs (d) and (e) of subsection (10), subsection (14),  
143 paragraph (c) of subsection (15), subsection (17), paragraph (e)  
144 of subsection (18), subsections (20) and (21), paragraph (a) of  
145 subsection (25), and subsection (28) of section 1002.33, Florida

20211028e1

146 Statutes, are amended to read:

147 1002.33 Charter schools.—

148 (2) GUIDING PRINCIPLES; PURPOSE.—

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

150 1. Create innovative measurement tools.

151 2. Provide rigorous competition within the public school  
152 ~~system district~~ to stimulate continual improvement in all public  
153 schools.

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

155 4. Mitigate the educational impact created by the  
156 development of new residential dwelling units.

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

159 (5) SPONSOR; DUTIES.—

160 (a) *Sponsoring entities*.—

161 1. A district school board may sponsor a charter school in  
162 the county over which the district school board has  
163 jurisdiction.

164 2. A state university may grant a charter to a lab school  
165 created under s. 1002.32 and shall be considered to be the  
166 school's sponsor. Such school shall be considered a charter lab  
167 school.

168 3. Because needs relating to educational capacity,  
169 workforce qualifications, and career education opportunities are  
170 constantly changing and extend beyond school district  
171 boundaries:

172 a. A state university may, upon approval by the Department  
173 of Education, solicit applications and sponsor a charter school  
174 to meet regional education or workforce demands by serving

20211028e1

175 students from multiple school districts.

176 b. A Florida College System institution may, upon approval  
177 by the Department of Education, solicit applications and sponsor  
178 a charter school in any county within its service area to meet  
179 workforce demands and may offer postsecondary programs leading  
180 to industry certifications to eligible charter school students.  
181 A charter school established under subparagraph (b)4. may not be  
182 sponsored by a Florida College System institution until its  
183 existing charter with the school district expires as provided  
184 under subsection (7).

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

188 (b) *Sponsor duties.*—

189 1.a. The sponsor shall monitor and review the charter  
190 school in its progress toward the goals established in the  
191 charter.

192 b. The sponsor shall monitor the revenues and expenditures  
193 of the charter school and perform the duties provided in s.  
194 1002.345.

195 c. The sponsor may approve a charter for a charter school  
196 before the applicant has identified space, equipment, or  
197 personnel, if the applicant indicates approval is necessary for  
198 it to raise working funds.

199 d. The sponsor shall not apply its policies to a charter  
200 school unless mutually agreed to by both the sponsor and the  
201 charter school. If the sponsor subsequently amends any agreed-  
202 upon sponsor policy, the version of the policy in effect at the  
203 time of the execution of the charter, or any subsequent

20211028e1

204 modification thereof, shall remain in effect and the sponsor may  
205 not hold the charter school responsible for any provision of a  
206 newly revised policy until the revised policy is mutually agreed  
207 upon.

208 e. The sponsor shall ensure that the charter is innovative  
209 and consistent with the state education goals established by s.  
210 1000.03(5).

211 f. The sponsor shall ensure that the charter school  
212 participates in the state's education accountability system. If  
213 a charter school falls short of performance measures included in  
214 the approved charter, the sponsor shall report such shortcomings  
215 to the Department of Education.

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

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

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

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

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

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

232 (A) ~~The number of draft applications received on or before~~



20211028e1

233 ~~May 1 and each applicant's contact information.~~

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

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

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

240 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~  
241 ~~each year thereafter~~, the sponsor shall submit to the department  
242 the information for the applications submitted the previous  
243 year.

244 (III) The department shall compile an annual report, by  
245 sponsor district, and post the report on its website by January  
246 15 ~~November 1~~ of each year.

247 2. Immunity for the sponsor of a charter school under  
248 subparagraph 1. applies only with respect to acts or omissions  
249 not under the sponsor's direct authority as described in this  
250 section.

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

253 4. A Florida College System institution may work with the  
254 school district or school districts in its designated service  
255 area to develop charter schools that offer secondary education.  
256 These charter schools must include an option for students to  
257 receive an associate degree upon high school graduation. If a  
258 Florida College System institution operates an approved teacher  
259 preparation program under s. 1004.04 or s. 1004.85, the  
260 institution may operate ~~no more than one~~ charter schools ~~school~~  
261 that serve ~~serves~~ students in kindergarten through grade 12 in

20211028e1

262 any school district within the service area of the institution.  
263 ~~In kindergarten through grade 8, the charter school shall~~  
264 ~~implement innovative blended learning instructional models in~~  
265 ~~which, for a given course, a student learns in part through~~  
266 ~~online delivery of content and instruction with some element of~~  
267 ~~student control over time, place, path, or pace and in part at a~~  
268 ~~supervised brick-and-mortar location away from home. A student~~  
269 ~~in a blended learning course must be a full-time student of the~~  
270 ~~charter school and receive the online instruction in a classroom~~  
271 ~~setting at the charter school.~~ District school boards shall  
272 cooperate with and assist the Florida College System institution  
273 on the charter application. Florida College System institution  
274 applications for charter schools are not subject to the time  
275 deadlines outlined in subsection (6) and may be approved by the  
276 district school board at any time during the year. Florida  
277 College System institutions may not report FTE for any students  
278 participating under this subparagraph who receive FTE funding  
279 through the Florida Education Finance Program.

280 5. For purposes of assisting the development of a charter  
281 school, a school district may enter into nonexclusive interlocal  
282 agreements with federal and state agencies, counties,  
283 municipalities, and other governmental entities that operate  
284 within the geographical borders of the school district to act on  
285 behalf of such governmental entities in the inspection,  
286 issuance, and other necessary activities for all necessary  
287 permits, licenses, and other permissions that a charter school  
288 needs in order for development, construction, or operation. A  
289 charter school may use, but may not be required to use, a school  
290 district for these services. The interlocal agreement must

20211028e1

291 include, but need not be limited to, the identification of fees  
292 that charter schools will be charged for such services. The fees  
293 must consist of the governmental entity's fees plus a fee for  
294 the school district to recover no more than actual costs for  
295 providing such services. These services and fees are not  
296 included within the services to be provided pursuant to  
297 subsection (20). Notwithstanding any other provision of law, an  
298 interlocal agreement between a school district and a federal or  
299 state agency, county, municipality, or other governmental entity  
300 which prohibits or limits the creation of a charter school  
301 within the geographic borders of the school district is void and  
302 unenforceable.

303 6. The board of trustees of a sponsoring state university  
304 or Florida College System institution under paragraph (a) is the  
305 local educational agency for all charter schools it sponsors for  
306 purposes of receiving federal funds and accepts full  
307 responsibility for all local educational agency requirements and  
308 the schools for which it will perform local educational agency  
309 responsibilities. A student enrolled in a charter school that is  
310 sponsored by a state university or Florida College System  
311 institution may not be included in the calculation of the school  
312 district's grade under s. 1008.34(5) for the school district in  
313 which he or she resides.

314 (c) Sponsor accountability.-

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

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

20211028e1

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

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

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

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

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

331 (b) A sponsor shall receive and review all applications for  
332 a charter school using the evaluation instrument developed by  
333 the Department of Education. ~~A sponsor shall receive and~~  
334 ~~consider charter school applications received on or before~~  
335 ~~August 1 of each calendar year for charter schools to be opened~~  
336 ~~at the beginning of the school district's next school year, or~~  
337 ~~to be opened at a time agreed to by the applicant and the~~  
338 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
339 ~~application submitted before August 1 and may receive an~~  
340 ~~application submitted later than August 1 if it chooses.~~  
341 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
342 consider charter school applications ~~received on or before~~  
343 ~~February 1 of each calendar year for charter schools to be~~  
344 ~~opened 18 months later at the beginning of the school district's~~  
345 ~~school year, or to be opened at a time determined by the~~  
346 ~~applicant. A sponsor may not refuse to receive a charter school~~  
347 ~~application submitted before February 1 and may receive an~~  
348 ~~application submitted later than February 1 if it chooses. A~~

20211028e1

349 sponsor may not charge an applicant for a charter any fee for  
350 the processing or consideration of an application, and a sponsor  
351 may not base its consideration or approval of a final  
352 application upon the promise of future payment of any kind.  
353 Before approving or denying any application, the sponsor shall  
354 allow the applicant, upon receipt of written notification, at  
355 least 7 calendar days to make technical or nonsubstantive  
356 corrections and clarifications, including, but not limited to,  
357 corrections of grammatical, typographical, and like errors or  
358 missing signatures, if such errors are identified by the sponsor  
359 as cause to deny the final application.

360 1. In order to facilitate an accurate budget projection  
361 process, a sponsor shall be held harmless for FTE students who  
362 are not included in the FTE projection due to approval of  
363 charter school applications after the FTE projection deadline.  
364 In a further effort to facilitate an accurate budget projection,  
365 within 15 calendar days after receipt of a charter school  
366 application, a sponsor shall report to the Department of  
367 Education the name of the applicant entity, the proposed charter  
368 school location, and its projected FTE.

369 2. In order to ensure fiscal responsibility, an application  
370 for a charter school shall include a full accounting of expected  
371 assets, a projection of expected sources and amounts of income,  
372 including income derived from projected student enrollments and  
373 from community support, and an expense projection that includes  
374 full accounting of the costs of operation, including start-up  
375 costs.

376 3.a. A sponsor shall by a majority vote approve or deny an  
377 application no later than 90 calendar days after the application

20211028e1

378 is received, unless the sponsor and the applicant mutually agree  
379 in writing to temporarily postpone the vote to a specific date,  
380 at which time the sponsor shall by a majority vote approve or  
381 deny the application. If the sponsor fails to act on the  
382 application, an applicant may appeal to the State Board of  
383 Education as provided in paragraph (c). If an application is  
384 denied, the sponsor shall, within 10 calendar days after such  
385 denial, articulate in writing the specific reasons, based upon  
386 good cause, supporting its denial of the application and shall  
387 provide the letter of denial and supporting documentation to the  
388 applicant and to the Department of Education.

389 b. An application submitted by a high-performing charter  
390 school identified pursuant to s. 1002.331 or a high-performing  
391 charter school system identified pursuant to s. 1002.332 may be  
392 denied by the sponsor only if the sponsor demonstrates by clear  
393 and convincing evidence that:

394 (I) The application of a high-performing charter school  
395 does not materially comply with the requirements in paragraph  
396 (a) or, for a high-performing charter school system, the  
397 application does not materially comply with s. 1002.332(2)(b);

398 (II) The charter school proposed in the application does  
399 not materially comply with the requirements in paragraphs  
400 (9)(a)-(f);

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

404 (IV) The applicant has made a material misrepresentation or  
405 false statement or concealed an essential or material fact  
406 during the application process; or

20211028e1

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

410  
411 Material noncompliance is a failure to follow requirements or a  
412 violation of prohibitions applicable to charter school  
413 applications, which failure is quantitatively or qualitatively  
414 significant either individually or when aggregated with other  
415 noncompliance. An applicant is considered to be replicating a  
416 high-performing charter school if the proposed school is  
417 substantially similar to at least one of the applicant's high-  
418 performing charter schools and the organization or individuals  
419 involved in the establishment and operation of the proposed  
420 school are significantly involved in the operation of replicated  
421 schools.

422 c. If the sponsor denies an application submitted by a  
423 high-performing charter school or a high-performing charter  
424 school system, the sponsor must, within 10 calendar days after  
425 such denial, state in writing the specific reasons, based upon  
426 the criteria in sub-subparagraph b., supporting its denial of  
427 the application and must provide the letter of denial and  
428 supporting documentation to the applicant and to the Department  
429 of Education. The applicant may appeal the sponsor's denial of  
430 the application in accordance with paragraph (c).

431 4. For budget projection purposes, the sponsor shall report  
432 to the Department of Education the approval or denial of an  
433 application within 10 calendar days after such approval or  
434 denial. In the event of approval, the report to the Department  
435 of Education shall include the final projected FTE for the

20211028e1

436 approved charter school.

437 ~~5. Upon approval of an application, the initial startup~~  
438 ~~shall commence with the beginning of the public school calendar~~  
439 ~~for the district in which the charter is granted.~~ A charter  
440 school may defer the opening of the school's operations for up  
441 to 3 years to provide time for adequate facility planning. The  
442 charter school must provide written notice of such intent to the  
443 sponsor and the parents of enrolled students at least 30  
444 calendar days before the first day of school.

445 (d)1. The sponsor shall act upon the decision of the State  
446 Board of Education within 30 calendar days after it is received.  
447 The State Board of Education's decision is a final action  
448 subject to judicial review in the district court of appeal. A  
449 prevailing party may file an action with the Division of  
450 Administrative Hearings to recover reasonable attorney fees and  
451 costs incurred during the denial of the application and any  
452 appeals.

453 2. A school district that fails to implement the decision  
454 affirmed by a district court of appeal shall reduce the  
455 administrative fees withheld pursuant to subsection (20) to 1  
456 percent for all charter schools operating in the school  
457 district. Such school districts shall file a monthly report  
458 detailing the reduction in the amount of administrative fees  
459 withheld. Upon execution of the charter, the sponsor may resume  
460 withholding the full amount of administrative fees but may not  
461 recover any fees that would have otherwise accrued during the  
462 period of noncompliance. Any charter school that had  
463 administrative fees withheld in violation of this paragraph may  
464 recover attorney fees and costs to enforce the requirements of



20211028e1

465 this paragraph.

466 (7) CHARTER.—The terms and conditions for the operation of  
467 a charter school shall be set forth by the sponsor and the  
468 applicant in a written contractual agreement, called a charter.  
469 The sponsor and the governing board of the charter school shall  
470 use the standard charter contract pursuant to subsection (21),  
471 which shall incorporate the approved application and any addenda  
472 approved with the application. Any term or condition of a  
473 proposed charter contract that differs from the standard charter  
474 contract adopted by rule of the State Board of Education shall  
475 be presumed a limitation on charter school flexibility. The  
476 sponsor may not impose unreasonable rules or regulations that  
477 violate the intent of giving charter schools greater flexibility  
478 to meet educational goals. The charter shall be signed by the  
479 governing board of the charter school and the sponsor, following  
480 a public hearing to ensure community input.

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

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

485 2. The focus of the curriculum, the instructional methods  
486 to be used, any distinctive instructional techniques to be  
487 employed, and identification and acquisition of appropriate  
488 technologies needed to improve educational and administrative  
489 performance which include a means for promoting safe, ethical,  
490 and appropriate uses of technology which comply with legal and  
491 professional standards.

492 a. The charter shall ensure that reading is a primary focus  
493 of the curriculum and that resources are provided to identify

20211028e1

494 and provide specialized instruction for students who are reading  
495 below grade level. The curriculum and instructional strategies  
496 for reading must be consistent with the Next Generation Sunshine  
497 State Standards and grounded in scientifically based reading  
498 research.

499       b. In order to provide students with access to diverse  
500 instructional delivery models, to facilitate the integration of  
501 technology within traditional classroom instruction, and to  
502 provide students with the skills they need to compete in the  
503 21st century economy, the Legislature encourages instructional  
504 methods for blended learning courses consisting of both  
505 traditional classroom and online instructional techniques.

506 Charter schools may implement blended learning courses which  
507 combine traditional classroom instruction and virtual  
508 instruction. Students in a blended learning course must be full-  
509 time students of the charter school pursuant to s.

510 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
511 1012.55 who provide virtual instruction for blended learning  
512 courses may be employees of the charter school or may be under  
513 contract to provide instructional services to charter school  
514 students. At a minimum, such instructional personnel must hold  
515 an active state or school district adjunct certification under  
516 s. 1012.57 for the subject area of the blended learning course.  
517 The funding and performance accountability requirements for  
518 blended learning courses are the same as those for traditional  
519 courses.

520       3. The current incoming baseline standard of student  
521 academic achievement, the outcomes to be achieved, and the  
522 method of measurement that will be used. The criteria listed in

20211028e1

523 this subparagraph shall include a detailed description of:

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

526 b. How these baseline rates will be compared to rates of  
527 academic progress achieved by these same students while  
528 attending the charter school.

529 c. To the extent possible, how these rates of progress will  
530 be evaluated and compared with rates of progress of other  
531 closely comparable student populations.

532

533 A ~~The~~ district school board is required to provide academic  
534 student performance data to charter schools for each of their  
535 students coming from the district school system, as well as  
536 rates of academic progress of comparable student populations in  
537 the district school system.

538 4. The methods used to identify the educational strengths  
539 and needs of students and how well educational goals and  
540 performance standards are met by students attending the charter  
541 school. The methods shall provide a means for the charter school  
542 to ensure accountability to its constituents by analyzing  
543 student performance data and by evaluating the effectiveness and  
544 efficiency of its major educational programs. Students in  
545 charter schools shall, at a minimum, participate in the  
546 statewide assessment program created under s. 1008.22.

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

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

20211028e1

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

555           8. The ways by which the school will achieve a  
556 racial/ethnic balance reflective of the community it serves or  
557 within the racial/ethnic range of other nearby public schools ~~in~~  
558 ~~the same school district.~~

559           9. The financial and administrative management of the  
560 school, including a reasonable demonstration of the professional  
561 experience or competence of those individuals or organizations  
562 applying to operate the charter school or those hired or  
563 retained to perform such professional services and the  
564 description of clearly delineated responsibilities and the  
565 policies and practices needed to effectively manage the charter  
566 school. A description of internal audit procedures and  
567 establishment of controls to ensure that financial resources are  
568 properly managed must be included. Both public sector and  
569 private sector professional experience shall be equally valid in  
570 such a consideration.

571           10. The asset and liability projections required in the  
572 application which are incorporated into the charter and shall be  
573 compared with information provided in the annual report of the  
574 charter school.

575           11. A description of procedures that identify various risks  
576 and provide for a comprehensive approach to reduce the impact of  
577 losses; plans to ensure the safety and security of students and  
578 staff; plans to identify, minimize, and protect others from  
579 violent or disruptive student behavior; and the manner in which  
580 the school will be insured, including whether or not the school

20211028e1

581 will be required to have liability insurance, and, if so, the  
582 terms and conditions thereof and the amounts of coverage.

583 12. The term of the charter which shall provide for  
584 cancellation of the charter if insufficient progress has been  
585 made in attaining the student achievement objectives of the  
586 charter and if it is not likely that such objectives can be  
587 achieved before expiration of the charter. The initial term of a  
588 charter shall be for 5 years, excluding 2 planning years. In  
589 order to facilitate access to long-term financial resources for  
590 charter school construction, charter schools that are operated  
591 by a municipality or other public entity as provided by law are  
592 eligible for up to a 15-year charter, subject to approval by the  
593 sponsor ~~district school board~~. A charter lab school is eligible  
594 for a charter for a term of up to 15 years. In addition, to  
595 facilitate access to long-term financial resources for charter  
596 school construction, charter schools that are operated by a  
597 private, not-for-profit, s. 501(c)(3) status corporation are  
598 eligible for up to a 15-year charter, subject to approval by the  
599 sponsor ~~district school board~~. Such long-term charters remain  
600 subject to annual review and may be terminated during the term  
601 of the charter, but only according to the provisions set forth  
602 in subsection (8).

603 13. The facilities to be used and their location. The  
604 sponsor may not require a charter school to have a certificate  
605 of occupancy or a temporary certificate of occupancy for such a  
606 facility earlier than 15 calendar days before the first day of  
607 school.

608 14. The qualifications to be required of the teachers and  
609 the potential strategies used to recruit, hire, train, and

20211028e1

610 retain qualified staff to achieve best value.

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

614 16. A timetable for implementing the charter which  
615 addresses the implementation of each element thereof and the  
616 date by which the charter shall be awarded in order to meet this  
617 timetable.

618 17. In the case of an existing public school that is being  
619 converted to charter status, alternative arrangements for  
620 current students who choose not to attend the charter school and  
621 for current teachers who choose not to teach in the charter  
622 school after conversion in accordance with the existing  
623 collective bargaining agreement or district school board rule in  
624 the absence of a collective bargaining agreement. However,  
625 alternative arrangements shall not be required for current  
626 teachers who choose not to teach in a charter lab school, except  
627 as authorized by the employment policies of the state university  
628 which grants the charter to the lab school.

629 18. Full disclosure of the identity of all relatives  
630 employed by the charter school who are related to the charter  
631 school owner, president, chairperson of the governing board of  
632 directors, superintendent, governing board member, principal,  
633 assistant principal, or any other person employed by the charter  
634 school who has equivalent decisionmaking authority. For the  
635 purpose of this subparagraph, the term "relative" means father,  
636 mother, son, daughter, brother, sister, uncle, aunt, first  
637 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
638 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,

20211028e1

639 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
640 stepsister, half brother, or half sister.

641 19. Implementation of the activities authorized under s.  
642 1002.331 by the charter school when it satisfies the eligibility  
643 requirements for a high-performing charter school. A high-  
644 performing charter school shall notify its sponsor in writing by  
645 March 1 if it intends to increase enrollment or expand grade  
646 levels the following school year. The written notice shall  
647 specify the amount of the enrollment increase and the grade  
648 levels that will be added, as applicable.

649 (b) The sponsor has 30 days after approval of the  
650 application to provide an initial proposed charter contract to  
651 the charter school. The applicant and the sponsor have 40 days  
652 thereafter to negotiate and notice the charter contract for  
653 final approval by the sponsor unless both parties agree to an  
654 extension. The proposed charter contract shall be provided to  
655 the charter school at least 7 calendar days before the date of  
656 the meeting at which the charter is scheduled to be voted upon  
657 by the sponsor. The Department of Education shall provide  
658 mediation services for any dispute regarding this section  
659 subsequent to the approval of a charter application and for any  
660 dispute relating to the approved charter, except a dispute  
661 regarding a charter school application denial. If either the  
662 charter school or the sponsor indicates in writing that the  
663 party does not desire to settle any dispute arising under this  
664 section through mediation procedures offered by the Department  
665 of Education, a charter school may immediately appeal any formal  
666 or informal decision by the sponsor to an administrative law  
667 judge appointed by the Division of Administrative Hearings. If

20211028e1

668 the Commissioner of Education determines that the dispute cannot  
669 be settled through mediation, the dispute may also be appealed  
670 to an administrative law judge appointed by the Division of  
671 Administrative Hearings. The administrative law judge has final  
672 order authority to rule on issues of equitable treatment of the  
673 charter school as a public school, whether proposed provisions  
674 of the charter violate the intended flexibility granted charter  
675 schools by statute, or any other matter regarding this section,  
676 except a dispute regarding charter school application denial, a  
677 charter termination, or a charter nonrenewal. The administrative  
678 law judge shall award the prevailing party reasonable attorney  
679 fees and costs incurred during the mediation process,  
680 administrative proceeding, and any appeals, to be paid by the  
681 party whom the administrative law judge rules against.

682 (d) A charter may be modified during its initial term or  
683 any renewal term upon the recommendation of the sponsor or the  
684 charter school's governing board and the approval of both  
685 parties to the agreement. Changes to curriculum which are  
686 consistent with state standards shall be deemed approved unless  
687 the sponsor and the Department of Education determine in writing  
688 that the curriculum is inconsistent with state standards.

689 Modification during any term may include, but is not limited to,  
690 consolidation of multiple charters into a single charter if the  
691 charters are operated under the same governing board, regardless  
692 of the renewal cycle. A charter school that is not subject to a  
693 school improvement plan and that closes as part of a  
694 consolidation shall be reported by the sponsor ~~school-district~~  
695 as a consolidation.

696 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.-



20211028e1

697 (c) A charter may be terminated immediately if the sponsor  
698 sets forth in writing the particular facts and circumstances  
699 demonstrating ~~indicating~~ that an immediate and serious danger to  
700 the health, safety, or welfare of the charter school's students  
701 exists, that the immediate and serious danger is likely to  
702 continue, and that an immediate termination of the charter is  
703 necessary. The sponsor's determination is subject to the  
704 procedures set forth in paragraph (b), except that the hearing  
705 may take place after the charter has been terminated. The  
706 sponsor shall notify in writing the charter school's governing  
707 board, the charter school principal, and the department of the  
708 facts and circumstances supporting the immediate termination ~~if~~  
709 ~~a charter is terminated immediately~~. The sponsor shall clearly  
710 identify the specific issues that resulted in the immediate  
711 termination and provide evidence of prior notification of issues  
712 resulting in the immediate termination, if applicable ~~when~~  
713 ~~appropriate~~. Upon receiving written notice from the sponsor, the  
714 charter school's governing board has 10 calendar days to request  
715 a hearing. A requested hearing must be expedited and the final  
716 order must be issued within 60 days after the date of request.  
717 The administrative law judge shall award reasonable attorney  
718 fees and costs to the prevailing party of any injunction,  
719 administrative proceeding, or appeal. The sponsor may seek an  
720 injunction in the circuit court in which the charter school is  
721 located to enjoin continued operation of the charter school if  
722 ~~shall assume operation of the charter school throughout the~~  
723 ~~pendency of the hearing under paragraph (b) unless the continued~~  
724 ~~operation of the charter school~~ would materially threaten the  
725 health, safety, or welfare of the students. ~~Failure by the~~

20211028e1

726 ~~sponsor to assume and continue operation of the charter school~~  
727 ~~shall result in the awarding of reasonable costs and attorney's~~  
728 ~~fees to the charter school if the charter school prevails on~~  
729 ~~appeal.~~

730 (d) When a charter is not renewed or is terminated, the  
731 school shall be dissolved under the provisions of law under  
732 which the school was organized, and any unencumbered public  
733 funds, except for capital outlay funds and federal charter  
734 school program grant funds, from the charter school shall revert  
735 to the sponsor. Capital outlay funds provided pursuant to s.  
736 1013.62 and federal charter school program grant funds that are  
737 unencumbered shall revert to the department to be redistributed  
738 among eligible charter schools. In the event a charter school is  
739 dissolved or is otherwise terminated, all sponsor ~~district~~  
740 ~~school board~~ property and improvements, furnishings, and  
741 equipment purchased with public funds shall automatically revert  
742 to full ownership by the sponsor ~~district school board~~, subject  
743 to complete satisfaction of any lawful liens or encumbrances.  
744 Any unencumbered public funds from the charter school, ~~district~~  
745 ~~school board~~ property and improvements, furnishings, and  
746 equipment purchased with public funds, or financial or other  
747 records pertaining to the charter school, in the possession of  
748 any person, entity, or holding company, other than the charter  
749 school, shall be held in trust upon the sponsor's ~~district~~  
750 ~~school board's~~ request, until any appeal status is resolved.

751 (e) If a charter is not renewed or is terminated, the  
752 charter school is responsible for all debts of the charter  
753 school. The sponsor ~~district~~ may not assume the debt from any  
754 contract made between the governing body of the school and a

20211028e1

755 third party, except for a debt that is previously detailed and  
756 agreed upon in writing by both the sponsor ~~district~~ and the  
757 governing body of the school and that may not reasonably be  
758 assumed to have been satisfied by the sponsor ~~district~~.

759 (9) CHARTER SCHOOL REQUIREMENTS.—

760 (g)1. In order to provide financial information that is  
761 comparable to that reported for other public schools, charter  
762 schools are to maintain all financial records that constitute  
763 their accounting system:

764 a. In accordance with the accounts and codes prescribed in  
765 the most recent issuance of the publication titled "Financial  
766 and Program Cost Accounting and Reporting for Florida Schools";  
767 or

768 b. At the discretion of the charter school's governing  
769 board, a charter school may elect to follow generally accepted  
770 accounting standards for not-for-profit organizations, but must  
771 reformat this information for reporting according to this  
772 paragraph.

773 2. Charter schools shall provide annual financial report  
774 and program cost report information in the state-required  
775 formats for inclusion in sponsor ~~district~~ reporting in  
776 compliance with s. 1011.60(1). Charter schools that are operated  
777 by a municipality or are a component unit of a parent nonprofit  
778 organization may use the accounting system of the municipality  
779 or the parent but must reformat this information for reporting  
780 according to this paragraph.

781 3. A charter school shall, upon approval of the charter  
782 contract, provide the sponsor with a concise, uniform, monthly  
783 financial statement summary sheet that contains a balance sheet

20211028e1

784 and a statement of revenue, expenditures, and changes in fund  
785 balance. The balance sheet and the statement of revenue,  
786 expenditures, and changes in fund balance shall be in the  
787 governmental funds format prescribed by the Governmental  
788 Accounting Standards Board. A high-performing charter school  
789 pursuant to s. 1002.331 may provide a quarterly financial  
790 statement in the same format and requirements as the uniform  
791 monthly financial statement summary sheet. The sponsor shall  
792 review each monthly or quarterly financial statement to identify  
793 the existence of any conditions identified in s. 1002.345(1)(a).

794 4. A charter school shall maintain and provide financial  
795 information as required in this paragraph. The financial  
796 statement required in subparagraph 3. must be in a form  
797 prescribed by the Department of Education.

798 (n)1. The director and a representative of the governing  
799 board of a charter school that has earned a grade of "D" or "F"  
800 pursuant to s. 1008.34 shall appear before the sponsor to  
801 present information concerning each contract component having  
802 noted deficiencies. The director and a representative of the  
803 governing board shall submit to the sponsor for approval a  
804 school improvement plan to raise student performance. Upon  
805 approval by the sponsor, the charter school shall begin  
806 implementation of the school improvement plan. The department  
807 shall offer technical assistance and training to the charter  
808 school and its governing board and establish guidelines for  
809 developing, submitting, and approving such plans.

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

20211028e1

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

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

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

820 (IV) Voluntarily close the charter school.

821 b. The charter school must implement the corrective action  
822 in the school year following receipt of a third consecutive  
823 grade below a "C."

824 c. The sponsor may annually waive a corrective action if it  
825 determines that the charter school is likely to improve a letter  
826 grade if additional time is provided to implement the  
827 intervention and support strategies prescribed by the school  
828 improvement plan. Notwithstanding this sub-subparagraph, a  
829 charter school that earns a second consecutive grade of "F" is  
830 subject to subparagraph 3.

831 d. A charter school is no longer required to implement a  
832 corrective action if it improves to a "C" or higher. However,  
833 the charter school must continue to implement strategies  
834 identified in the school improvement plan. The sponsor must  
835 annually review implementation of the school improvement plan to  
836 monitor the school's continued improvement pursuant to  
837 subparagraph 4.

838 e. A charter school implementing a corrective action that  
839 does not improve to a "C" or higher after 2 full school years of  
840 implementing the corrective action must select a different  
841 corrective action. Implementation of the new corrective action

20211028e1

842 must begin in the school year following the implementation  
843 period of the existing corrective action, unless the sponsor  
844 determines that the charter school is likely to improve to a "C"  
845 or higher if additional time is provided to implement the  
846 existing corrective action. Notwithstanding this sub-  
847 subparagraph, a charter school that earns a second consecutive  
848 grade of "F" while implementing a corrective action is subject  
849 to subparagraph 3.

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

853 a. The charter school is established to turn around the  
854 performance of a district public school pursuant to s.  
855 1008.33(4)(b)2. Such charter schools shall be governed by s.  
856 1008.33;

857 b. The charter school serves a student population the  
858 majority of which resides in a school zone served by a district  
859 public school subject to s. 1008.33(4) and the charter school  
860 earns at least a grade of "D" in its third year of operation.  
861 The exception provided under this sub-subparagraph does not  
862 apply to a charter school in its fourth year of operation and  
863 thereafter; or

864 c. The state board grants the charter school a waiver of  
865 termination. The charter school must request the waiver within  
866 15 days after the department's official release of school  
867 grades. The state board may waive termination if the charter  
868 school demonstrates that the Learning Gains of its students on  
869 statewide assessments are comparable to or better than the  
870 Learning Gains of similarly situated students enrolled in nearby

20211028e1

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

875

876 The sponsor shall notify the charter school's governing board,  
877 the charter school principal, and the department in writing when  
878 a charter contract is terminated under this subparagraph. A  
879 charter terminated under this subparagraph must follow the  
880 procedures for dissolution and reversion of public funds  
881 pursuant to paragraphs (8) (d)-(f) and (9) (o).

882 4. The director and a representative of the governing board  
883 of a graded charter school that has implemented a school  
884 improvement plan under this paragraph shall appear before the  
885 sponsor at least once a year to present information regarding  
886 the progress of intervention and support strategies implemented  
887 by the school pursuant to the school improvement plan and  
888 corrective actions, if applicable. The sponsor shall communicate  
889 at the meeting, and in writing to the director, the services  
890 provided to the school to help the school address its  
891 deficiencies.

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

895 (10) ELIGIBLE STUDENTS.—

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

898 1. Students who are siblings of a student enrolled in the  
899 charter school.

20211028e1

900           2. Students who are the children of a member of the  
901 governing board of the charter school.

902           3. Students who are the children of an employee of the  
903 charter school.

904           4. Students who are the children of:

905           a. An employee of the business partner of a charter  
906 school-in-the-workplace established under paragraph (15)(b) or a  
907 resident of the municipality in which such charter school is  
908 located; or

909           b. A resident or employee of a municipality that operates a  
910 charter school-in-a-municipality pursuant to paragraph (15)(c)  
911 or allows a charter school to use a school facility or portion  
912 of land provided by the municipality for the operation of the  
913 charter school.

914           5. Students who have successfully completed, during the  
915 previous year, a voluntary prekindergarten education program  
916 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the  
917 charter school's governing board, or a voluntary prekindergarten  
918 provider that has a written agreement with the governing board  
919 during the previous year.

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

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

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

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

927           2. Students considered at risk of dropping out of school or  
928 academic failure. Such students shall include exceptional



20211028e1

929 education students.

930 3. Students enrolling in a charter school-in-the-workplace  
931 or charter school-in-a-municipality established pursuant to  
932 subsection (15).

933 4. Students residing within a reasonable distance of the  
934 charter school, as described in paragraph (20)(c). Such students  
935 shall be subject to a random lottery and to the racial/ethnic  
936 balance provisions described in subparagraph (7)(a)8. or any  
937 federal provisions that require a school to achieve a  
938 racial/ethnic balance reflective of the community it serves or  
939 within the racial/ethnic range of other nearby public schools ~~in~~  
940 ~~the same school district.~~

941 5. Students who meet reasonable academic, artistic, or  
942 other eligibility standards established by the charter school  
943 and included in the charter school application and charter or,  
944 in the case of existing charter schools, standards that are  
945 consistent with the school's mission and purpose. Such standards  
946 shall be in accordance with current state law and practice in  
947 public schools and may not discriminate against otherwise  
948 qualified individuals.

949 6. Students articulating from one charter school to another  
950 pursuant to an articulation agreement between the charter  
951 schools that has been approved by the sponsor.

952 7. Students living in a development in which a developer,  
953 including any affiliated business entity or charitable  
954 foundation, contributes to the formation, acquisition,  
955 construction, or operation of one or more charter schools or  
956 charter ~~provides the school~~ facilities ~~facility~~ and related  
957 property in an amount equal to or having a total ~~an~~ appraised

20211028e1

958 value of at least \$5 million to be used as a charter schools  
959 ~~school~~ to mitigate the educational impact created by the  
960 development of new residential dwelling units. Students living  
961 in the development are ~~shall be~~ entitled to ~~no more than~~ 50  
962 percent of the student stations in the charter schools ~~school~~.  
963 The students who are eligible for enrollment are subject to a  
964 random lottery, the racial/ethnic balance provisions, or any  
965 federal provisions, as described in subparagraph 4. The  
966 remainder of the student stations must ~~shall~~ be filled in  
967 accordance with subparagraph 4.

968 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION  
969 OF THE STATE AND SPONSOR SCHOOL ~~DISTRICT~~; CREDIT OR TAXING POWER  
970 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or  
971 otherwise secure funds for a charter school authorized in this  
972 section from a source other than the state or a sponsor school  
973 ~~district~~ shall indemnify the state and the sponsor school  
974 ~~district~~ from any and all liability, including, but not limited  
975 to, financial responsibility for the payment of the principal or  
976 interest. Any loans, bonds, or other financial agreements are  
977 not obligations of the state or the sponsor school ~~district~~ but  
978 are obligations of the charter school authority and are payable  
979 solely from the sources of funds pledged by such agreement. The  
980 credit or taxing power of the state or the sponsor school  
981 ~~district~~ shall not be pledged and no debts shall be payable out  
982 of any moneys except those of the legal entity in possession of  
983 a valid charter approved by a sponsor ~~district school board~~  
984 pursuant to this section.

985 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
986 A-MUNICIPALITY.—

20211028e1

987 (c) A charter school-in-a-municipality designation may be  
988 granted to a municipality that possesses a charter; enrolls  
989 students based upon a random lottery that involves all of the  
990 children of the residents of that municipality who are seeking  
991 enrollment, as provided for in subsection (10); and enrolls  
992 students according to the racial/ethnic balance provisions  
993 described in subparagraph (7) (a)8. When a municipality has  
994 submitted charter applications for the establishment of a  
995 charter school feeder pattern, consisting of elementary, middle,  
996 and senior high schools, and each individual charter application  
997 is approved by the sponsor ~~district school board~~, such schools  
998 shall then be designated as one charter school for all purposes  
999 listed pursuant to this section. Any portion of the land and  
1000 facility used for a public charter school shall be exempt from  
1001 ad valorem taxes, as provided for in s. 1013.54, for the  
1002 duration of its use as a public school.

1003 (17) FUNDING.—Students enrolled in a charter school,  
1004 regardless of the sponsorship, shall be funded as if they are in  
1005 a basic program or a special program, the same as students  
1006 enrolled in other public schools in a ~~the~~ school district.  
1007 Funding for a charter lab school shall be as provided in s.  
1008 1002.32.

1009 (a) Each charter school shall report its student enrollment  
1010 to the sponsor as required in s. 1011.62, and in accordance with  
1011 the definitions in s. 1011.61. The sponsor shall include each  
1012 charter school's enrollment in the sponsor's ~~district's~~ report  
1013 of student enrollment. All charter schools submitting student  
1014 record information required by the Department of Education shall  
1015 comply with the Department of Education's guidelines for

20211028e1

1016 electronic data formats for such data, and all sponsors  
1017 ~~districts~~ shall accept electronic data that complies with the  
1018 Department of Education's electronic format.

1019 (b)1. The basis for the agreement for funding students  
1020 enrolled in a charter school shall be the sum of the school  
1021 district's operating funds from the Florida Education Finance  
1022 Program as provided in s. 1011.62 and the General Appropriations  
1023 Act, including gross state and local funds, discretionary  
1024 lottery funds, and funds from the school district's current  
1025 operating discretionary millage levy; divided by total funded  
1026 weighted full-time equivalent students in the school district;  
1027 and multiplied by the weighted full-time equivalent students for  
1028 the charter school. Charter schools whose students or programs  
1029 meet the eligibility criteria in law are entitled to their  
1030 proportionate share of categorical program funds included in the  
1031 total funds available in the Florida Education Finance Program  
1032 by the Legislature, including transportation, the research-based  
1033 reading allocation, and the Florida digital classrooms  
1034 allocation. Total funding for each charter school shall be  
1035 recalculated during the year to reflect the revised calculations  
1036 under the Florida Education Finance Program by the state and the  
1037 actual weighted full-time equivalent students reported by the  
1038 charter school during the full-time equivalent student survey  
1039 periods designated by the Commissioner of Education. For charter  
1040 schools operated by a not-for-profit or municipal entity, any  
1041 unrestricted current and capital assets identified in the  
1042 charter school's annual financial audit may be used for other  
1043 charter schools operated by the not-for-profit or municipal  
1044 entity within the school district. Unrestricted current assets

20211028e1

1045 shall be used in accordance with s. 1011.62, and any  
1046 unrestricted capital assets shall be used in accordance with s.  
1047 1013.62(2).

1048 2.a. Students enrolled in a charter school sponsored by a  
1049 state university or Florida College System institution pursuant  
1050 to paragraph (5)(a) shall be funded as if they are in a basic  
1051 program or a special program in the school district. The basis  
1052 for funding these students is the sum of the total operating  
1053 funds from the Florida Education Finance Program for the school  
1054 district in which the school is located as provided in s.  
1055 1011.62 and the General Appropriations Act, including gross  
1056 state and local funds, discretionary lottery funds, and funds  
1057 from each school district's current operating discretionary  
1058 millage levy, divided by total funded weighted full-time  
1059 equivalent students in the district, and multiplied by the full-  
1060 time equivalent membership of the charter school. The Department  
1061 of Education shall develop a tool that each state university or  
1062 Florida College System institution sponsoring a charter school  
1063 shall use for purposes of calculating the funding amount for  
1064 each eligible charter school student. The total amount obtained  
1065 from the calculation must be appropriated from state funds in  
1066 the General Appropriations Act to the charter school.

1067 b. Capital outlay funding for a charter school sponsored by  
1068 a state university or Florida College System institution  
1069 pursuant to paragraph (5)(a) is determined pursuant to s.  
1070 1013.62 and the General Appropriations Act.

1071 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
1072 schools shall receive all federal funding for which the school  
1073 is otherwise eligible, including Title I funding, not later than

20211028e1

1074 5 months after the charter school first opens and within 5  
1075 months after any subsequent expansion of enrollment. Unless  
1076 otherwise mutually agreed to by the charter school and its  
1077 sponsor, and consistent with state and federal rules and  
1078 regulations governing the use and disbursement of federal funds,  
1079 the sponsor shall reimburse the charter school on a monthly  
1080 basis for all invoices submitted by the charter school for  
1081 federal funds available to the sponsor for the benefit of the  
1082 charter school, the charter school's students, and the charter  
1083 school's students as public school students in the school  
1084 district. Such federal funds include, but are not limited to,  
1085 Title I, Title II, and Individuals with Disabilities Education  
1086 Act (IDEA) funds. To receive timely reimbursement for an  
1087 invoice, the charter school must submit the invoice to the  
1088 sponsor at least 30 days before the monthly date of  
1089 reimbursement set by the sponsor. In order to be reimbursed, any  
1090 expenditures made by the charter school must comply with all  
1091 applicable state rules and federal regulations, including, but  
1092 not limited to, the applicable federal Office of Management and  
1093 Budget Circulars; the federal Education Department General  
1094 Administrative Regulations; and program-specific statutes,  
1095 rules, and regulations. Such funds may not be made available to  
1096 the charter school until a plan is submitted to the sponsor for  
1097 approval of the use of the funds in accordance with applicable  
1098 federal requirements. The sponsor has 30 days to review and  
1099 approve any plan submitted pursuant to this paragraph.

1100 (d) Charter schools shall be included by the Department of  
1101 Education and the district school board in requests for federal  
1102 stimulus funds in the same manner as district school board-

20211028e1

1103 operated public schools, including Title I and IDEA funds and  
1104 shall be entitled to receive such funds. Charter schools are  
1105 eligible to participate in federal competitive grants that are  
1106 available as part of the federal stimulus funds.

1107 (e) Sponsors ~~District school boards~~ shall make timely and  
1108 efficient payment and reimbursement to charter schools,  
1109 including processing paperwork required to access special state  
1110 and federal funding for which they may be eligible. Payments of  
1111 funds under paragraph (b) shall be made monthly or twice a  
1112 month, beginning with the start of the sponsor's ~~district school~~  
1113 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
1114 twenty-fourth, as applicable, of the total state and local funds  
1115 described in paragraph (b) and adjusted as set forth therein.  
1116 For the first 2 years of a charter school's operation, if a  
1117 minimum of 75 percent of the projected enrollment is entered  
1118 into the sponsor's student information system by the first day  
1119 of the current month, the sponsor ~~district school board~~ shall  
1120 distribute funds to the school for the months of July through  
1121 October based on the projected full-time equivalent student  
1122 membership of the charter school as submitted in the approved  
1123 application. If less than 75 percent of the projected enrollment  
1124 is entered into the sponsor's student information system by the  
1125 first day of the current month, the sponsor shall base payments  
1126 on the actual number of student enrollment entered into the  
1127 sponsor's student information system. Thereafter, the results of  
1128 full-time equivalent student membership surveys shall be used in  
1129 adjusting the amount of funds distributed monthly to the charter  
1130 school for the remainder of the fiscal year. The payments shall  
1131 be issued no later than 10 working days after the sponsor

20211028e1

1132 ~~district school board~~ receives a distribution of state or  
1133 federal funds or the date the payment is due pursuant to this  
1134 subsection. If a warrant for payment is not issued within 10  
1135 working days after receipt of funding by the sponsor ~~district~~  
1136 ~~school board~~, the sponsor ~~school district~~ shall pay to the  
1137 charter school, in addition to the amount of the scheduled  
1138 disbursement, interest at a rate of 1 percent per month  
1139 calculated on a daily basis on the unpaid balance from the  
1140 expiration of the 10 working days until such time as the warrant  
1141 is issued. The district school board may not delay payment to a  
1142 charter school of any portion of the funds provided in paragraph  
1143 (b) based on the timing of receipt of local funds by the  
1144 district school board.

1145 (f) Funding for a virtual charter school shall be as  
1146 provided in s. 1002.45(7).

1147 (g) To be eligible for public education capital outlay  
1148 (PECO) funds, a charter school must be located in the State of  
1149 Florida.

1150 (h) A charter school that implements a schoolwide standard  
1151 student attire policy pursuant to s. 1011.78 is eligible to  
1152 receive incentive payments.

1153 (18) FACILITIES.—

1154 (e) If a district school board facility or property is  
1155 available because it is surplus, marked for disposal, or  
1156 otherwise unused, it shall be provided for a charter school's  
1157 use on the same basis as it is made available to other public  
1158 schools in the district. A charter school receiving property  
1159 from the sponsor ~~school district~~ may not sell or dispose of such  
1160 property without written permission of the sponsor ~~school~~



20211028e1

1161 ~~district~~. Similarly, for an existing public school converting to  
1162 charter status, no rental or leasing fee for the existing  
1163 facility or for the property normally inventoried to the  
1164 conversion school may be charged by the district school board to  
1165 the parents and teachers organizing the charter school. The  
1166 charter school shall agree to reasonable maintenance provisions  
1167 in order to maintain the facility in a manner similar to  
1168 district school board standards. The Public Education Capital  
1169 Outlay maintenance funds or any other maintenance funds  
1170 generated by the facility operated as a conversion school shall  
1171 remain with the conversion school.

1172 (20) SERVICES.—

1173 (a)1. A sponsor shall provide certain administrative and  
1174 educational services to charter schools. These services shall  
1175 include contract management services; full-time equivalent and  
1176 data reporting services; exceptional student education  
1177 administration services; services related to eligibility and  
1178 reporting duties required to ensure that school lunch services  
1179 under the National School Lunch Program, consistent with the  
1180 needs of the charter school, are provided by the sponsor ~~school~~  
1181 ~~district~~ at the request of the charter school, that any funds  
1182 due to the charter school under the National School Lunch  
1183 Program be paid to the charter school as soon as the charter  
1184 school begins serving food under the National School Lunch  
1185 Program, and that the charter school is paid at the same time  
1186 and in the same manner under the National School Lunch Program  
1187 as other public schools serviced by the sponsor or the school  
1188 district; test administration services, including payment of the  
1189 costs of state-required or district-required student

20211028e1

1190 assessments; processing of teacher certificate data services;  
1191 and information services, including equal access to the  
1192 sponsor's student information systems that are used by public  
1193 schools in the district in which the charter school is located  
1194 or by schools in the sponsor's portfolio of charter schools if  
1195 the sponsor is not a school district. Student performance data  
1196 for each student in a charter school, including, but not limited  
1197 to, FCAT scores, standardized test scores, previous public  
1198 school student report cards, and student performance measures,  
1199 shall be provided by the sponsor to a charter school in the same  
1200 manner provided to other public schools in the district or by  
1201 schools in the sponsor's portfolio of charter schools if the  
1202 sponsor is not a school district.

1203 2. A sponsor may withhold an administrative fee for the  
1204 provision of such services which shall be a percentage of the  
1205 available funds defined in paragraph (17)(b) calculated based on  
1206 weighted full-time equivalent students. If the charter school  
1207 serves 75 percent or more exceptional education students as  
1208 defined in s. 1003.01(3), the percentage shall be calculated  
1209 based on unweighted full-time equivalent students. The  
1210 administrative fee shall be calculated as follows:

1211 a. Up to 5 percent for:

1212 (I) Enrollment of up to and including 250 students in a  
1213 charter school as defined in this section.

1214 (II) Enrollment of up to and including 500 students within  
1215 a charter school system which meets all of the following:

1216 (A) Includes conversion charter schools and nonconversion  
1217 charter schools.

1218 (B) Has all of its schools located in the same county.

20211028e1

1219 (C) Has a total enrollment exceeding the total enrollment  
1220 of at least one school district in this ~~the~~ state.

1221 (D) Has the same governing board for all of its schools.

1222 (E) Does not contract with a for-profit service provider  
1223 for management of school operations.

1224 (III) Enrollment of up to and including 250 students in a  
1225 virtual charter school.

1226 b. Up to 2 percent for enrollment of up to and including  
1227 250 students in a high-performing charter school as defined in  
1228 s. 1002.331.

1229 c. Up to 2 percent for enrollment of up to and including  
1230 250 students in an exceptional student education center that  
1231 meets the requirements of the rules adopted by the State Board  
1232 of Education pursuant to s. 1008.3415(3).

1233 3. A sponsor may not charge charter schools any additional  
1234 fees or surcharges for administrative and educational services  
1235 in addition to the maximum percentage of administrative fees  
1236 withheld pursuant to this paragraph.

1237 4. A sponsor shall provide to the department by September  
1238 15 of each year the total amount of funding withheld from  
1239 charter schools pursuant to this subsection for the prior fiscal  
1240 year. The department must include the information in the report  
1241 required under sub-sub-subparagraph (5) (b) 1.k. (III).

1242 (b) If goods and services are made available to the charter  
1243 school through the contract with the sponsor ~~school district~~,  
1244 they shall be provided to the charter school at a rate no  
1245 greater than the sponsor's ~~district's~~ actual cost unless  
1246 mutually agreed upon by the charter school and the sponsor in a  
1247 contract negotiated separately from the charter. When mediation

20211028e1

1248 has failed to resolve disputes over contracted services or  
1249 contractual matters not included in the charter, an appeal may  
1250 be made to an administrative law judge appointed by the Division  
1251 of Administrative Hearings. The administrative law judge has  
1252 final order authority to rule on the dispute. The administrative  
1253 law judge shall award the prevailing party reasonable attorney  
1254 fees and costs incurred during the mediation process,  
1255 administrative proceeding, and any appeals, to be paid by the  
1256 party whom the administrative law judge rules against. To  
1257 maximize the use of state funds, sponsors ~~school districts~~ shall  
1258 allow charter schools to participate in the sponsor's bulk  
1259 purchasing program if applicable.

1260 (c) Transportation of charter school students shall be  
1261 provided by the charter school consistent with the requirements  
1262 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1263 body of the charter school may provide transportation through an  
1264 agreement or contract with the sponsor ~~district school board~~, a  
1265 private provider, or parents. The charter school and the sponsor  
1266 shall cooperate in making arrangements that ensure that  
1267 transportation is not a barrier to equal access for all students  
1268 residing within a reasonable distance of the charter school as  
1269 determined in its charter.

1270 (d) Each charter school shall annually complete and submit  
1271 a survey, provided in a format specified by the Department of  
1272 Education, to rate the timeliness and quality of services  
1273 provided by the sponsor ~~district~~ in accordance with this  
1274 section. The department shall compile the results, by sponsor  
1275 ~~district~~, and include the results in the report required under  
1276 sub-sub-subparagraph (5) (b) 1.k. (III).

20211028e1

## (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

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

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

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

(a) A charter school system's governing board shall be designated a local educational agency for the purpose of receiving federal funds, the same as though the charter school

20211028e1

1306 system were a school district, if the governing board of the  
1307 charter school system has adopted and filed a resolution with  
1308 its sponsor ~~sponsoring district school board~~ and the Department  
1309 of Education in which the governing board of the charter school  
1310 system accepts the full responsibility for all local education  
1311 agency requirements and the charter school system meets all of  
1312 the following:

- 1313 1. Has all schools located in the same county;
- 1314 2. Has a total enrollment exceeding the total enrollment of  
1315 at least one school district in this ~~the~~ state; and
- 1316 3. Has the same governing board.

1317  
1318 Such designation does not apply to other provisions unless  
1319 specifically provided in law.

1320 (28) RULEMAKING.—The Department of Education, after  
1321 consultation with sponsors ~~school districts~~ and charter school  
1322 directors, shall recommend that the State Board of Education  
1323 adopt rules to implement specific subsections of this section.  
1324 Such rules shall require minimum paperwork and shall not limit  
1325 charter school flexibility authorized by statute. The State  
1326 Board of Education shall adopt rules, pursuant to ss. 120.536(1)  
1327 and 120.54, to implement a standard charter application form,  
1328 standard application form for the replication of charter schools  
1329 in a high-performing charter school system, standard evaluation  
1330 instrument, and standard charter and charter renewal contracts  
1331 in accordance with this section.

1332 Section 3. Paragraph (a) of subsection (1), paragraph (a)  
1333 of subsection (2), and paragraph (b) of subsection (3) of  
1334 section 1002.331, Florida Statutes, are amended to read:

20211028e1

1335 1002.331 High-performing charter schools.—

1336 (1) A charter school is a high-performing charter school if  
1337 it:

1338 (a)1. Received at least two school grades of "A" and no  
1339 school grade below "B," pursuant to s. 1008.34, during each of  
1340 the previous 3 school years or received at least two consecutive  
1341 school grades of "A" in the most recent 2 school years for the  
1342 years that the school received a grade; or

1343 2. Receives, during its first 3 years of operation, funding  
1344 through the National Fund of the Charter School Growth Fund, and  
1345 has received no school grade lower than a "C," pursuant to s.  
1346 1008.34, during each of the previous 3 school years for the  
1347 years that the school received a grade.

1348  
1349 For purposes of determining initial eligibility, the  
1350 requirements of paragraphs (b) and (c) only apply for the most  
1351 recent 2 fiscal years if the charter school earns two  
1352 consecutive grades of "A." A virtual charter school established  
1353 under s. 1002.33 is not eligible for designation as a high-  
1354 performing charter school.

1355 (2) A high-performing charter school is authorized to:

1356 (a) Increase its student enrollment once per school year to  
1357 more than the capacity identified in the charter, but student  
1358 enrollment may not exceed the capacity of the facility at the  
1359 time the enrollment increase will take effect. Facility capacity  
1360 for purposes of ~~grade-level~~ expansion shall include any  
1361 improvements to an existing facility or any new facility in  
1362 which ~~a majority of~~ the students of the high-performing charter  
1363 school will enroll.

20211028e1

1364  
1365 A high-performing charter school shall notify its sponsor in  
1366 writing by March 1 if it intends to increase enrollment or  
1367 expand grade levels the following school year. The written  
1368 notice shall specify the amount of the enrollment increase and  
1369 the grade levels that will be added, as applicable. If a charter  
1370 school notifies the sponsor of its intent to expand, the sponsor  
1371 shall modify the charter within 90 days to include the new  
1372 enrollment maximum and may not make any other changes. The  
1373 sponsor may deny a request to increase the enrollment of a high-  
1374 performing charter school if the commissioner has declassified  
1375 the charter school as high-performing. If a high-performing  
1376 charter school requests to consolidate multiple charters, the  
1377 sponsor shall have 40 days after receipt of that request to  
1378 provide an initial draft charter to the charter school. The  
1379 sponsor and charter school shall have 50 days thereafter to  
1380 negotiate and notice the charter contract for final approval by  
1381 the sponsor.

1382 (3)

1383 (b) A high-performing charter school may submit ~~not~~  
1384 ~~establish more than~~ two applications for a charter school to be  
1385 opened schools within this the state under paragraph (a) at a  
1386 time determined by the high-performing charter school in any  
1387 year. A subsequent application to establish a charter school  
1388 under paragraph (a) may not be submitted unless each charter  
1389 school applicant commences operations or an application is  
1390 otherwise withdrawn ~~established in this manner achieves high-~~  
1391 ~~performing charter school status~~. However, a high-performing  
1392 charter school may establish more than one charter school within



20211028e1

1393 this ~~the~~ state under paragraph (a) in any year if it operates in  
1394 the area of a persistently low-performing school and serves  
1395 students from that school. This paragraph applies to any high-  
1396 performing charter school with an existing approved application.

1397 Section 4. Paragraph (c) of subsection (1), paragraphs (a),  
1398 (g), and (h) of subsection (6), and paragraph (d) of subsection  
1399 (7) of section 1002.333, Florida Statutes, are amended, and  
1400 paragraph (e) is added to subsection (9) of that section, to  
1401 read:

1402 1002.333 Persistently low-performing schools.—

1403 (1) DEFINITIONS.—As used in this section, the term:

1404 (c) "Persistently low-performing school" means a school  
1405 that has earned three grades lower than a "C," pursuant to s.  
1406 1008.34, in at least 3 of the previous 5 years that the school  
1407 received a grade and has not earned a grade of "B" or higher in  
1408 the most recent 2 school years, and a school that was closed  
1409 pursuant to s. 1008.33(4) within 2 years after the submission of  
1410 a notice of intent.

1411 (6) STATUTORY AUTHORITY.—

1412 (a) A school of hope or a nonprofit entity that operates  
1413 more than one school of hope through a performance-based  
1414 agreement with a school district may be designated as a local  
1415 education agency by the department, if requested, for the  
1416 purposes of receiving federal funds and, in doing so, accepts  
1417 the full responsibility for all local education agency  
1418 requirements and the schools for which it will perform local  
1419 education agency responsibilities.

1420 1. A nonprofit entity designated as a local education  
1421 agency may report its students to the department in accordance

20211028e1

1422 with the definitions in s. 1011.61 and pursuant to the  
1423 department's procedures and timelines.

1424 2. Students enrolled in a school established by a hope  
1425 operator designated as a local educational agency are not  
1426 eligible students for purposes of calculating the district grade  
1427 pursuant to s. 1008.34(5).

1428 (g) Each school of hope that has not been designated as a  
1429 local education agency shall report its students to the school  
1430 district as required in s. 1011.62, and in accordance with the  
1431 definitions in s. 1011.61. The school district shall include  
1432 each charter school's enrollment in the district's report of  
1433 student enrollment. All charter schools submitting student  
1434 record information required by the department shall comply with  
1435 the department's guidelines for electronic data formats for such  
1436 data, and all districts shall accept electronic data that  
1437 complies with the department's electronic format.

1438 (h)1. A school of hope shall provide the school district  
1439 with a concise, uniform, quarterly financial statement summary  
1440 sheet that contains a balance sheet and a statement of revenue,  
1441 expenditures, and changes in fund balance. The balance sheet and  
1442 the statement of revenue, expenditures, and changes in fund  
1443 balance shall be in the governmental fund format prescribed by  
1444 the Governmental Accounting Standards Board. Additionally, a  
1445 school of hope shall comply with the annual audit requirement  
1446 for charter schools in s. 218.39.

1447 2. A school of hope is in compliance with subparagraph 1.  
1448 if it is operated by a nonprofit entity designated as a local  
1449 education agency and if the nonprofit submits to each school  
1450 district in which it operates a school of hope:

20211028e1

1451 a. A concise, uniform, quarterly financial statement  
1452 summary sheet that contains a balance sheet summarizing the  
1453 revenue, expenditures, and changes in fund balance for the  
1454 entity and for its schools of hope within the school district.

1455 b. An annual financial audit of the nonprofit which  
1456 includes all schools of hope it operates within this state and  
1457 which complies with s. 218.39 regarding audits of a school  
1458 board.

1459 (7) FACILITIES.—

1460 (d) No later than January ~~October~~ 1, the department ~~each~~  
1461 ~~school district~~ shall annually provide to school districts ~~the~~  
1462 ~~Department of Education~~ a list of all underused, vacant, or  
1463 surplus facilities owned or operated by the school district as  
1464 reported in the Florida Inventory of School Houses. A school  
1465 district may provide evidence to the department that the list  
1466 contains errors or omissions within 30 days after receipt of the  
1467 list. By each April 1, the department shall update and publish a  
1468 final list of all underused, vacant, or surplus facilities owned  
1469 or operated by each school district, based upon updated  
1470 information provided by each school district. A hope operator  
1471 establishing a school of hope may use an educational facility  
1472 identified in this paragraph at no cost or at a mutually  
1473 agreeable cost not to exceed \$600 per student. A hope operator  
1474 using a facility pursuant to this paragraph may not sell or  
1475 dispose of such facility without the written permission of the  
1476 school district. For purposes of this paragraph, the term  
1477 "underused, vacant, or surplus facility" means an entire  
1478 facility or portion thereof which is not fully used or is used  
1479 irregularly or intermittently by the school district for

20211028e1

1480 instructional or program use.

1481 (9) FUNDING.—

1482 (e) For a nonprofit entity designated by the department as  
1483 a local education agency pursuant to paragraph (6) (h), any  
1484 unrestricted current and capital assets identified in the annual  
1485 financial audit required by sub-subparagraph (6) (h)2.b. may be  
1486 used for any other school of hope operated by the local  
1487 education agency within the same district. Unrestricted current  
1488 assets shall be used in accordance with s. 1011.62, and any  
1489 unrestricted capital assets shall be used in accordance with s.  
1490 1013.62(2).

1491 Section 5. Paragraph (d) of subsection (1) and paragraph  
1492 (a) of subsection (2) of section 1002.45, Florida Statutes, are  
1493 amended to read:

1494 1002.45 Virtual instruction programs.—

1495 (1) PROGRAM.—

1496 (d) A virtual charter school may provide full-time or part-  
1497 time virtual instruction for students in kindergarten through  
1498 grade 12 if the virtual charter school has a charter approved  
1499 pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
1500 ~~instruction~~. A virtual charter school may:

1501 1. Contract with the Florida Virtual School.

1502 2. Contract with an approved provider under subsection (2).

1503 3. Enter into an agreement with a school district to allow  
1504 the participation of the virtual charter school's students in  
1505 the school district's virtual instruction program. The agreement  
1506 must indicate a process for reporting of student enrollment and  
1507 the transfer of funds required by paragraph (7) (e).

1508 (2) PROVIDER QUALIFICATIONS.—

20211028e1

1509 (a) The department shall annually publish online a list of  
1510 providers approved to offer virtual instruction programs. To be  
1511 approved by the department, a provider must document that it:

1512 1. Is nonsectarian in its programs, admission policies,  
1513 employment practices, and operations;

1514 2. Complies with the antidiscrimination provisions of s.  
1515 1000.05;

1516 3. Locates an administrative office or offices in this  
1517 state, requires its administrative staff to be state residents,  
1518 requires all instructional staff to be Florida-certified  
1519 teachers under chapter 1012 and conducts background screenings  
1520 for all employees or contracted personnel, as required by s.  
1521 1012.32, using state and national criminal history records;

1522 4. Provides to parents and students specific information  
1523 posted and accessible online that includes, but is not limited  
1524 to, the following teacher-parent and teacher-student contact  
1525 information for each course:

1526 a. How to contact the instructor via phone, e-mail, or  
1527 online messaging tools.

1528 b. How to contact technical support via phone, e-mail, or  
1529 online messaging tools.

1530 c. How to contact the administration office via phone, e-  
1531 mail, or online messaging tools.

1532 d. Any requirement for regular contact with the instructor  
1533 for the course and clear expectations for meeting the  
1534 requirement.

1535 e. The requirement that the instructor in each course must,  
1536 at a minimum, conduct one contact ~~via phone~~ with the parent and  
1537 the student each month;

20211028e1

1538           5. Possesses prior, successful experience offering online  
1539 courses to elementary, middle, or high school students as  
1540 demonstrated by quantified student learning gains in each  
1541 subject area and grade level provided for consideration as an  
1542 instructional program option. However, for a provider without  
1543 sufficient prior, successful experience offering online courses,  
1544 the department may conditionally approve the provider to offer  
1545 courses measured pursuant to subparagraph (8) (a)2. Conditional  
1546 approval shall be valid for 1 school year only and, based on the  
1547 provider's experience in offering the courses, the department  
1548 shall determine whether to grant approval to offer a virtual  
1549 instruction program;

1550           6. Is accredited by a regional accrediting association as  
1551 defined by State Board of Education rule;

1552           7. Ensures instructional and curricular quality through a  
1553 detailed curriculum and student performance accountability plan  
1554 that addresses every subject and grade level it intends to  
1555 provide through contract with the school district, including:

1556           a. Courses and programs that meet the standards of the  
1557 International Association for K-12 Online Learning and the  
1558 Southern Regional Education Board.

1559           b. Instructional content and services that align with, and  
1560 measure student attainment of, student proficiency in the Next  
1561 Generation Sunshine State Standards.

1562           c. Mechanisms that determine and ensure that a student has  
1563 satisfied requirements for grade level promotion and high school  
1564 graduation with a standard diploma, as appropriate;

1565           8. Publishes for the general public, in accordance with  
1566 disclosure requirements adopted in rule by the State Board of

20211028e1

1567 Education, as part of its application as a provider and in all  
1568 contracts negotiated pursuant to this section:

- 1569 a. Information and data about the curriculum of each full-  
1570 time and part-time program.
- 1571 b. School policies and procedures.
- 1572 c. Certification status and physical location of all  
1573 administrative and instructional personnel.
- 1574 d. Hours and times of availability of instructional  
1575 personnel.
- 1576 e. Student-teacher ratios.
- 1577 f. Student completion and promotion rates.
- 1578 g. Student, educator, and school performance accountability  
1579 outcomes;

1580 9. If the provider is a Florida College System institution,  
1581 employs instructors who meet the certification requirements for  
1582 instructional staff under chapter 1012; and

1583 10. Performs an annual financial audit of its accounts and  
1584 records conducted by an independent certified public accountant  
1585 which is in accordance with rules adopted by the Auditor  
1586 General, is conducted in compliance with generally accepted  
1587 auditing standards, and includes a report on financial  
1588 statements presented in accordance with generally accepted  
1589 accounting principles.

1590 Section 6. Paragraph (a) of subsection (1) of section  
1591 1003.493, Florida Statutes, is amended to read:

1592 1003.493 Career and professional academies and career-  
1593 themed courses.—

1594 (1) (a) A "career and professional academy" is a research-  
1595 based program that integrates a rigorous academic curriculum

20211028e1

1596 with an industry-specific curriculum aligned directly to  
1597 priority workforce needs established by the local workforce  
1598 development board or the Department of Economic Opportunity.  
1599 Career and professional academies shall be offered by public  
1600 schools and school districts. Career and professional academies  
1601 may be offered by charter schools. The Florida Virtual School is  
1602 encouraged to develop and offer rigorous career and professional  
1603 courses as appropriate. Students completing career and  
1604 professional academy programs must receive a standard high  
1605 school diploma, the highest available industry certification,  
1606 and opportunities to earn postsecondary credit if the academy  
1607 partners with a postsecondary institution approved to operate in  
1608 the state.

1609 Section 7. Present subsection (3) of section 1008.3415,  
1610 Florida Statutes, is redesignated as subsection (4), and a new  
1611 subsection (3) is added to that section, to read:

1612 1008.3415 School grade or school improvement rating for  
1613 exceptional student education centers.—

1614 (3) A charter school that is an exceptional student  
1615 education center and that receives two consecutive ratings of  
1616 “maintaining” or higher may replicate its educational program  
1617 under s. 1002.331(3). The Commissioner of Education, upon  
1618 request by a charter school, shall verify that the charter  
1619 school meets the requirements of this subsection and provide a  
1620 letter to the charter school and the sponsor stating that the  
1621 charter school may replicate its educational program in the same  
1622 manner as a high-performing charter school under s. 1002.331(3).

1623 Section 8. Subsection (2) of section 1012.32, Florida  
1624 Statutes, is amended to read:



20211028e1

1625 1012.32 Qualifications of personnel.—

1626 (2) (a) Instructional and noninstructional personnel who are  
1627 hired or contracted to fill positions that require direct  
1628 contact with students in any district school system or  
1629 university lab school must, upon employment or engagement to  
1630 provide services, undergo background screening as required under  
1631 s. 1012.465 or s. 1012.56, whichever is applicable.

1632 (b) 1. Instructional and noninstructional personnel who are  
1633 hired or contracted to fill positions in a any charter school  
1634 other than a school of hope as defined in s. 1002.333, and  
1635 members of the governing board of such any charter school, in  
1636 compliance with s. 1002.33(12) (g), ~~must,~~ upon employment,  
1637 engagement of services, or appointment, shall undergo background  
1638 screening as required under s. 1012.465 or s. 1012.56, whichever  
1639 is applicable, by filing with the district school board for the  
1640 school district in which the charter school is located a  
1641 complete set of fingerprints taken by an authorized law  
1642 enforcement agency or an employee of the school or school  
1643 district who is trained to take fingerprints.

1644 2. Instructional and noninstructional personnel who are  
1645 hired or contracted to fill positions in a school of hope as  
1646 defined in s. 1002.333, and members of the governing board of  
1647 such school of hope, shall file with the school of hope a  
1648 complete set of fingerprints taken by an authorized law  
1649 enforcement agency, by an employee of the school of hope or  
1650 school district who is trained to take fingerprints, or by any  
1651 other entity recognized by the Department of Law Enforcement to  
1652 take fingerprints.

1653 (c) Instructional and noninstructional personnel who are

20211028e1

1654 hired or contracted to fill positions that require direct  
1655 contact with students in an alternative school that operates  
1656 under contract with a district school system must, upon  
1657 employment or engagement to provide services, undergo background  
1658 screening as required under s. 1012.465 or s. 1012.56, whichever  
1659 is applicable, by filing with the district school board for the  
1660 school district to which the alternative school is under  
1661 contract a complete set of fingerprints taken by an authorized  
1662 law enforcement agency or an employee of the school or school  
1663 district who is trained to take fingerprints.

1664 (d) Student teachers and persons participating in a field  
1665 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1666 district school system, lab school, or charter school must, upon  
1667 engagement to provide services, undergo background screening as  
1668 required under s. 1012.56.

1669  
1670 Required fingerprints must ~~shall~~ be submitted to the Department  
1671 of Law Enforcement for statewide criminal and juvenile records  
1672 checks and to the Federal Bureau of Investigation for federal  
1673 criminal records checks. A person subject to this subsection who  
1674 is found ineligible for employment under s. 1012.315, or  
1675 otherwise found through background screening to have been  
1676 convicted of any crime involving moral turpitude as defined by  
1677 rule of the State Board of Education, shall not be employed,  
1678 engaged to provide services, or serve in any position that  
1679 requires direct contact with students. Probationary persons  
1680 subject to this subsection terminated because of their criminal  
1681 record have the right to appeal such decisions. The cost of the  
1682 background screening may be borne by the district school board,

20211028e1

1683 the charter school, the employee, the contractor, or a person  
1684 subject to this subsection. A district school board shall  
1685 reimburse a charter school the cost of background screening if  
1686 it does not notify the charter school of the eligibility of a  
1687 governing board member or instructional or noninstructional  
1688 personnel within the earlier of 14 days after receipt of the  
1689 background screening results from the Florida Department of Law  
1690 Enforcement or 30 days of submission of fingerprints by the  
1691 governing board member or instructional or noninstructional  
1692 personnel.

1693 Section 9. Paragraph (a) of subsection (1) of section  
1694 1013.62, Florida Statutes, is amended to read:

1695 1013.62 Charter schools capital outlay funding.—

1696 (1) For the 2020-2021 fiscal year, charter school capital  
1697 outlay funding shall consist of state funds appropriated in the  
1698 2020-2021 General Appropriations Act. Beginning in fiscal year  
1699 2021-2022, charter school capital outlay funding shall consist  
1700 of state funds when such funds are appropriated in the General  
1701 Appropriations Act and revenue resulting from the discretionary  
1702 millage authorized in s. 1011.71(2) if the amount of state funds  
1703 appropriated for charter school capital outlay in any fiscal  
1704 year is less than the average charter school capital outlay  
1705 funds per unweighted full-time equivalent student for the 2018-  
1706 2019 fiscal year, multiplied by the estimated number of charter  
1707 school students for the applicable fiscal year, and adjusted by  
1708 changes in the Consumer Price Index issued by the United States  
1709 Department of Labor from the previous fiscal year. Nothing in  
1710 this subsection prohibits a school district from distributing to  
1711 charter schools funds resulting from the discretionary millage

20211028e1

1712 authorized in s. 1011.71(2).

1713 (a) To be eligible to receive capital outlay funds, a  
1714 charter school must:

1715 1.a. Have been in operation for 2 or more years;

1716 b. Be governed by a governing board established in the  
1717 state for 2 or more years which operates both charter schools  
1718 and conversion charter schools within the state;

1719 c. Be an expanded feeder chain of a charter school within  
1720 the same school district that is currently receiving charter  
1721 school capital outlay funds;

1722 d. Have been accredited by a regional accrediting  
1723 association as defined by State Board of Education rule; ~~or~~

1724 e. Serve students in facilities that are provided by a  
1725 business partner for a charter school-in-the-workplace pursuant  
1726 to s. 1002.33(15) (b); or

1727 f. Be operated by a hope operator pursuant to s. 1002.333.

1728 2. Have an annual audit that does not reveal any of the  
1729 financial emergency conditions provided in s. 218.503(1) for the  
1730 most recent fiscal year for which such audit results are  
1731 available.

1732 3. Have satisfactory student achievement based on state  
1733 accountability standards applicable to the charter school.

1734 4. Have received final approval from its sponsor pursuant  
1735 to s. 1002.33 for operation during that fiscal year.

1736 5. Serve students in facilities that are not provided by  
1737 the charter school's sponsor.

1738 Section 10. If any provision of this act or its application  
1739 to any person or circumstance is held invalid, the invalidity  
1740 does not affect other provisions or applications of the act

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1741 which can be given effect without the invalid provision or  
1742 application, and to this end the provisions of this act are  
1743 severable.

1744 Section 11. This act shall take effect July 1, 2021.