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1  
2 An act relating to education; amending s. 1001.43,  
3 F.S.; authorizing members of certain committees of a  
4 district school board to attend meetings in person or  
5 through the use of telecommunications networks;  
6 amending s. 1002.32, F.S.; providing that the  
7 limitation on lab schools does not apply to a school  
8 serving a military installation; amending s. 1002.321,  
9 F.S.; conforming a provision to changes made by the  
10 act; amending s. 1002.33, F.S.; authorizing state  
11 universities and Florida College System institutions  
12 to solicit applications and sponsor charter schools  
13 under certain circumstances; prohibiting certain  
14 charter schools from being sponsored by a Florida  
15 College System institution until such charter schools'  
16 existing charter expires; authorizing a state  
17 university or Florida College System institution to,  
18 at its discretion, deny an application for a charter  
19 school; revising the contents of an annual report that  
20 charter school sponsors must provide to the Department  
21 of Education; revising the date by which the  
22 department must post a specified annual report;  
23 revising provisions relating to Florida College System  
24 institutions that are operating charter schools;  
25 prohibiting certain interlocal agreements; requiring  
26 the board of trustees of a state university or Florida  
27 College System institution that is sponsoring a  
28 charter school to serve as the local educational  
29 agency for such school; prohibiting certain charter

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

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

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88 underused, vacant, or surplus facilities owned or  
89 operated by school districts are identified;  
90 authorizing a nonprofit entity designated as a local  
91 education agency to use any capital assets identified  
92 in a certain annual financial audit for another school  
93 of hope operated by the local education agency within  
94 the same district; amending s. 1002.45, F.S.;

95 authorizing a virtual charter school to provide part-  
96 time virtual instruction; amending s. 1002.455, F.S.;

97 conforming a provision to changes made by the act;  
98 creating s. 1003.225, F.S.; defining the term "water  
99 safety"; requiring public schools to provide specified  
100 information to certain parents or students; amending  
101 s. 1003.493, F.S.; authorizing a charter school to  
102 offer a career and professional academy; amending s.  
103 1003.621, F.S.; authorizing academically high-  
104 performing school districts to provide up to 2 days of  
105 virtual instruction; specifying requirements for such  
106 virtual instruction to comply with a specified  
107 provision; creating s. 1006.205, F.S.; providing a  
108 short title; providing legislative intent; requiring  
109 that certain athletic teams or sports sponsored by  
110 certain educational institutions be designated on the  
111 basis of students' biological sex at birth;  
112 authorizing athletic teams or sports designated for  
113 male students to be open to female students;  
114 prohibiting athletic teams or sports designated for  
115 female students to be open to male students; providing  
116 civil remedies for students and educational

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117 institutions for certain violations of this section;  
118 providing a statute of limitation; providing for  
119 damages; amending s. 1008.3415, F.S.; requiring the  
120 Commissioner of Education, upon request by a charter  
121 school that meets specified criteria, to provide a  
122 letter to the charter school and the charter school's  
123 sponsor authorizing the charter school to replicate  
124 its educational program; amending s. 1009.30, F.S.;  
125 specifying reimbursement for specified educational  
126 institutions; amending s. 1009.52, F.S.; revising the  
127 eligibility requirements for Florida postsecondary  
128 student assistance grants; amending s. 1012.32, F.S.;  
129 providing an alternate screening method for specified  
130 persons employed by certain schools of hope or serving  
131 on certain school of hope governing boards; amending  
132 s. 1013.62, F.S.; expanding eligibility to receive  
133 capital outlay funds to schools of hope operated by a  
134 hope operator; authorizing a parent or guardian to  
135 request that his or her K-5 student be retained in a  
136 grade level for academic reasons for a specified  
137 school year; requiring that such a request be  
138 submitted in a specified manner; requiring school  
139 principals to consider such requests if they are  
140 timely received; authorizing school principals to  
141 consider requests that are not timely received;  
142 requiring a school principal who considers a request  
143 for retention to inform the student's teachers of the  
144 request and collaboratively discuss with the parent or  
145 guardian any basis for agreement or disagreement with

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146 the request; requiring such discussion to disclose  
147 that retention may impact the student's eligibility to  
148 participate in high school interscholastic or  
149 intrascholastic sports; authorizing the principal,  
150 teachers, and parent or guardian to collaborate to  
151 develop a customized 1-year education plan for the  
152 student in lieu of retaining the student; requiring a  
153 parent's or guardian's decision regarding retention to  
154 control; requiring the individual education plan (IEP)  
155 team for a retained student to review and revise the  
156 student's IEP, as appropriate; requiring school  
157 districts to report certain data to the Department of  
158 Education by a specified date; providing for  
159 severability; amending chapter 2020-28, Laws of  
160 Florida; delaying the effective date of provisions  
161 governing intercollegiate athlete compensation and  
162 rights; providing a contingent effect; providing  
163 effective dates.

164  
165 Be It Enacted by the Legislature of the State of Florida:

166  
167 Section 1. Subsection (10) of section 1001.43, Florida  
168 Statutes, is amended to read:

169 1001.43 Supplemental powers and duties of district school  
170 board.—The district school board may exercise the following  
171 supplemental powers and duties as authorized by this code or  
172 State Board of Education rule.

173 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The  
174 district school board may adopt policies and procedures

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175 necessary for the daily business operation of the district  
176 school board, including, but not limited to, the provision of  
177 legal services for the district school board; conducting a  
178 district legislative program; district school board member  
179 participation at conferences, conventions, and workshops,  
180 including member compensation and reimbursement for expenses;  
181 district school board policy development, adoption, and repeal;  
182 district school board meeting procedures, including  
183 participation via telecommunications networks, use of technology  
184 at meetings, and presentations by nondistrict personnel; citizen  
185 communications with the district school board and with  
186 individual district school board members; collaboration with  
187 local government and other entities as required by law; and  
188 organization of the district school board, including special  
189 committees and advisory committees. Members of special  
190 committees and advisory committees may attend meetings in person  
191 or through the use of telecommunications networks such as  
192 telephonic and video conferencing.

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

195 1002.32 Developmental research (laboratory) schools.—

196 (2) ESTABLISHMENT.—There is established a category of  
197 public schools to be known as developmental research  
198 (laboratory) schools (lab schools). Each lab school shall  
199 provide sequential instruction and shall be affiliated with the  
200 college of education within the state university of closest  
201 geographic proximity. A lab school to which a charter has been  
202 issued under s. 1002.33(5)(a)2. must be affiliated with the  
203 college of education within the state university that issued the

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204 charter, but is not subject to the requirement that the state  
205 university be of closest geographic proximity. For the purpose  
206 of state funding, Florida Agricultural and Mechanical  
207 University, Florida Atlantic University, Florida State  
208 University, the University of Florida, and other universities  
209 approved by the State Board of Education and the Legislature are  
210 authorized to sponsor a lab school. The limitation of one lab  
211 school per university shall not apply to the following  
212 legislatively allowed charter lab schools ~~authorized prior to~~  
213 ~~June 1, 2003~~: Florida State University Charter Lab K-12 School  
214 in Broward County, Florida Atlantic University Charter Lab K-12  
215 ~~9-12 High~~ School in Palm Beach County, and Florida Atlantic  
216 University Charter Lab K-12 School in St. Lucie County. The  
217 limitation of one lab school per university does not apply to a  
218 university that establishes a lab school to serve families of a  
219 military installation that is within the same county as a branch  
220 campus that offers programs from the university's college of  
221 education.

222 Section 3. Paragraph (d) of subsection (4) of section  
223 1002.321, Florida Statutes, is amended to read:

224 1002.321 Digital learning.—

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

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

231 Section 4. Subsection (1), paragraph (c) of subsection (2),  
232 subsection (5), paragraphs (b) and (d) of subsection (6),



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233 paragraphs (a), (b), and (d) of subsection (7), paragraphs (c),  
234 (d), and (e) of subsection (8), paragraphs (g) and (n) of  
235 subsection (9), paragraphs (d) and (e) of subsection (10),  
236 subsection (14), paragraph (c) of subsection (15), subsection  
237 (17), paragraph (e) of subsection (18), subsections (20) and  
238 (21), paragraph (a) of subsection (25), and subsection (28) of  
239 section 1002.33, Florida Statutes, are amended to read:

240 1002.33 Charter schools.—

241 (1) AUTHORIZATION.—All charter schools in Florida are  
242 public schools and shall be part of the state's program of  
243 public education. A charter school may be formed by creating a  
244 new school or converting an existing public school to charter  
245 status. A charter school may operate a virtual charter school  
246 pursuant to s. 1002.45(1)(d) to provide ~~full-time~~ online  
247 instruction to students, pursuant to s. 1002.455, in  
248 kindergarten through grade 12. The school district in which the  
249 student enrolls in the virtual charter school shall report the  
250 student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and  
251 the home school district shall not report the student for  
252 funding. An existing charter school that is seeking to become a  
253 virtual charter school must amend its charter or submit a new  
254 application pursuant to subsection (6) to become a virtual  
255 charter school. A virtual charter school is subject to the  
256 requirements of this section; however, a virtual charter school  
257 is exempt from subsections (18) and (19), paragraph (20)(c), and  
258 s. 1003.03. A public school may not use the term charter in its  
259 name unless it has been approved under this section.

260 (2) GUIDING PRINCIPLES; PURPOSE.—

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

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- 262 1. Create innovative measurement tools.
- 263 2. Provide rigorous competition within the public school  
264 system ~~district~~ to stimulate continual improvement in all public  
265 schools.
- 266 3. Expand the capacity of the public school system.
- 267 4. Mitigate the educational impact created by the  
268 development of new residential dwelling units.
- 269 5. Create new professional opportunities for teachers,  
270 including ownership of the learning program at the school site.
- 271 (5) SPONSOR; DUTIES.—
- 272 (a) *Sponsoring entities*.—
- 273 1. A district school board may sponsor a charter school in  
274 the county over which the district school board has  
275 jurisdiction.
- 276 2. A state university may grant a charter to a lab school  
277 created under s. 1002.32 and shall be considered to be the  
278 school's sponsor. Such school shall be considered a charter lab  
279 school.
- 280 3. Because needs relating to educational capacity,  
281 workforce qualifications, and career education opportunities are  
282 constantly changing and extend beyond school district  
283 boundaries:
- 284 a. A state university may, upon approval by the Department  
285 of Education, solicit applications and sponsor a charter school  
286 to meet regional education or workforce demands by serving  
287 students from multiple school districts.
- 288 b. A Florida College System institution may, upon approval  
289 by the Department of Education, solicit applications and sponsor  
290 a charter school in any county within its service area to meet

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291 workforce demands and may offer postsecondary programs leading  
292 to industry certifications to eligible charter school students.  
293 A charter school established under subparagraph (b)4. may not be  
294 sponsored by a Florida College System institution until its  
295 existing charter with the school district expires as provided  
296 under subsection (7).

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

300 (b) *Sponsor duties.*—

301 1.a. The sponsor shall monitor and review the charter  
302 school in its progress toward the goals established in the  
303 charter.

304 b. The sponsor shall monitor the revenues and expenditures  
305 of the charter school and perform the duties provided in s.  
306 1002.345.

307 c. The sponsor may approve a charter for a charter school  
308 before the applicant has identified space, equipment, or  
309 personnel, if the applicant indicates approval is necessary for  
310 it to raise working funds.

311 d. The sponsor shall not apply its policies to a charter  
312 school unless mutually agreed to by both the sponsor and the  
313 charter school. If the sponsor subsequently amends any agreed-  
314 upon sponsor policy, the version of the policy in effect at the  
315 time of the execution of the charter, or any subsequent  
316 modification thereof, shall remain in effect and the sponsor may  
317 not hold the charter school responsible for any provision of a  
318 newly revised policy until the revised policy is mutually agreed  
319 upon.

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320 e. The sponsor shall ensure that the charter is innovative  
321 and consistent with the state education goals established by s.  
322 1000.03(5).

323 f. The sponsor shall ensure that the charter school  
324 participates in the state's education accountability system. If  
325 a charter school falls short of performance measures included in  
326 the approved charter, the sponsor shall report such shortcomings  
327 to the Department of Education.

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

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

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

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

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

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

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

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

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

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

352        ~~(II) Annually, by November 1 Beginning August 31, 2013, and~~  
353 ~~each year thereafter,~~ the sponsor shall submit to the department  
354 the information for the applications submitted the previous  
355 year.

356        (III) The department shall compile an annual report, by  
357 sponsor district, and post the report on its website by January  
358 15 November 1 of each year.

359        2. Immunity for the sponsor of a charter school under  
360 subparagraph 1. applies only with respect to acts or omissions  
361 not under the sponsor's direct authority as described in this  
362 section.

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

365        4. A Florida College System institution may work with the  
366 school district or school districts in its designated service  
367 area to develop charter schools that offer secondary education.  
368 These charter schools must include an option for students to  
369 receive an associate degree upon high school graduation. If a  
370 Florida College System institution operates an approved teacher  
371 preparation program under s. 1004.04 or s. 1004.85, the  
372 institution may operate ~~no more than one~~ charter schools school  
373 that serve serves students in kindergarten through grade 12 in  
374 any school district within the service area of the institution.  
375 ~~In kindergarten through grade 8, the charter school shall~~  
376 ~~implement innovative blended learning instructional models in~~  
377 ~~which, for a given course, a student learns in part through~~

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378 ~~online delivery of content and instruction with some element of~~  
379 ~~student control over time, place, path, or pace and in part at a~~  
380 ~~supervised brick-and-mortar location away from home. A student~~  
381 ~~in a blended learning course must be a full-time student of the~~  
382 ~~charter school and receive the online instruction in a classroom~~  
383 ~~setting at the charter school.~~ District school boards shall  
384 cooperate with and assist the Florida College System institution  
385 on the charter application. Florida College System institution  
386 applications for charter schools are not subject to the time  
387 deadlines outlined in subsection (6) and may be approved by the  
388 district school board at any time during the year. Florida  
389 College System institutions may not report FTE for any students  
390 participating under this subparagraph who receive FTE funding  
391 through the Florida Education Finance Program.

392 5. For purposes of assisting the development of a charter  
393 school, a school district may enter into nonexclusive interlocal  
394 agreements with federal and state agencies, counties,  
395 municipalities, and other governmental entities that operate  
396 within the geographical borders of the school district to act on  
397 behalf of such governmental entities in the inspection,  
398 issuance, and other necessary activities for all necessary  
399 permits, licenses, and other permissions that a charter school  
400 needs in order for development, construction, or operation. A  
401 charter school may use, but may not be required to use, a school  
402 district for these services. The interlocal agreement must  
403 include, but need not be limited to, the identification of fees  
404 that charter schools will be charged for such services. The fees  
405 must consist of the governmental entity's fees plus a fee for  
406 the school district to recover no more than actual costs for

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407 providing such services. These services and fees are not  
408 included within the services to be provided pursuant to  
409 subsection (20). Notwithstanding any other provision of law, an  
410 interlocal agreement between a school district and a federal or  
411 state agency, county, municipality, or other governmental entity  
412 which prohibits or limits the creation of a charter school  
413 within the geographic borders of the school district is void and  
414 unenforceable.

415 6. The board of trustees of a sponsoring state university  
416 or Florida College System institution under paragraph (a) is the  
417 local educational agency for all charter schools it sponsors for  
418 purposes of receiving federal funds and accepts full  
419 responsibility for all local educational agency requirements and  
420 the schools for which it will perform local educational agency  
421 responsibilities. A student enrolled in a charter school that is  
422 sponsored by a state university or Florida College System  
423 institution may not be included in the calculation of the school  
424 district's grade under s. 1008.34(5) for the school district in  
425 which he or she resides.

426 (c) Sponsor accountability.—

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

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

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

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

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

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

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

443 (b) A sponsor shall receive and review all applications for  
444 a charter school using the evaluation instrument developed by  
445 the Department of Education. ~~A sponsor shall receive and~~  
446 ~~consider charter school applications received on or before~~  
447 ~~August 1 of each calendar year for charter schools to be opened~~  
448 ~~at the beginning of the school district's next school year, or~~  
449 ~~to be opened at a time agreed to by the applicant and the~~  
450 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
451 ~~application submitted before August 1 and may receive an~~  
452 ~~application submitted later than August 1 if it chooses.~~  
453 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
454 consider charter school applications ~~received on or before~~  
455 ~~February 1 of each calendar year for charter schools to be~~  
456 ~~opened 18 months later at the beginning of the school district's~~  
457 ~~school year, or to be opened at a time determined by the~~  
458 ~~applicant. A sponsor may not refuse to receive a charter school~~  
459 ~~application submitted before February 1 and may receive an~~  
460 ~~application submitted later than February 1 if it chooses.~~ A  
461 sponsor may not charge an applicant for a charter any fee for  
462 the processing or consideration of an application, and a sponsor  
463 may not base its consideration or approval of a final  
464 application upon the promise of future payment of any kind.



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465 Before approving or denying any application, the sponsor shall  
466 allow the applicant, upon receipt of written notification, at  
467 least 7 calendar days to make technical or nonsubstantive  
468 corrections and clarifications, including, but not limited to,  
469 corrections of grammatical, typographical, and like errors or  
470 missing signatures, if such errors are identified by the sponsor  
471 as cause to deny the final application.

472 1. In order to facilitate an accurate budget projection  
473 process, a sponsor shall be held harmless for FTE students who  
474 are not included in the FTE projection due to approval of  
475 charter school applications after the FTE projection deadline.  
476 In a further effort to facilitate an accurate budget projection,  
477 within 15 calendar days after receipt of a charter school  
478 application, a sponsor shall report to the Department of  
479 Education the name of the applicant entity, the proposed charter  
480 school location, and its projected FTE.

481 2. In order to ensure fiscal responsibility, an application  
482 for a charter school shall include a full accounting of expected  
483 assets, a projection of expected sources and amounts of income,  
484 including income derived from projected student enrollments and  
485 from community support, and an expense projection that includes  
486 full accounting of the costs of operation, including start-up  
487 costs.

488 3.a. A sponsor shall by a majority vote approve or deny an  
489 application no later than 90 calendar days after the application  
490 is received, unless the sponsor and the applicant mutually agree  
491 in writing to temporarily postpone the vote to a specific date,  
492 at which time the sponsor shall by a majority vote approve or  
493 deny the application. If the sponsor fails to act on the

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494 application, an applicant may appeal to the State Board of  
495 Education as provided in paragraph (c). If an application is  
496 denied, the sponsor shall, within 10 calendar days after such  
497 denial, articulate in writing the specific reasons, based upon  
498 good cause, supporting its denial of the application and shall  
499 provide the letter of denial and supporting documentation to the  
500 applicant and to the Department of Education.

501 b. An application submitted by a high-performing charter  
502 school identified pursuant to s. 1002.331 or a high-performing  
503 charter school system identified pursuant to s. 1002.332 may be  
504 denied by the sponsor only if the sponsor demonstrates by clear  
505 and convincing evidence that:

506 (I) The application of a high-performing charter school  
507 does not materially comply with the requirements in paragraph  
508 (a) or, for a high-performing charter school system, the  
509 application does not materially comply with s. 1002.332(2)(b);

510 (II) The charter school proposed in the application does  
511 not materially comply with the requirements in paragraphs  
512 (9)(a)-(f);

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

516 (IV) The applicant has made a material misrepresentation or  
517 false statement or concealed an essential or material fact  
518 during the application process; or

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

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523 Material noncompliance is a failure to follow requirements or a  
524 violation of prohibitions applicable to charter school  
525 applications, which failure is quantitatively or qualitatively  
526 significant either individually or when aggregated with other  
527 noncompliance. An applicant is considered to be replicating a  
528 high-performing charter school if the proposed school is  
529 substantially similar to at least one of the applicant's high-  
530 performing charter schools and the organization or individuals  
531 involved in the establishment and operation of the proposed  
532 school are significantly involved in the operation of replicated  
533 schools.

534 c. If the sponsor denies an application submitted by a  
535 high-performing charter school or a high-performing charter  
536 school system, the sponsor must, within 10 calendar days after  
537 such denial, state in writing the specific reasons, based upon  
538 the criteria in sub-subparagraph b., supporting its denial of  
539 the application and must provide the letter of denial and  
540 supporting documentation to the applicant and to the Department  
541 of Education. The applicant may appeal the sponsor's denial of  
542 the application in accordance with paragraph (c).

543 4. For budget projection purposes, the sponsor shall report  
544 to the Department of Education the approval or denial of an  
545 application within 10 calendar days after such approval or  
546 denial. In the event of approval, the report to the Department  
547 of Education shall include the final projected FTE for the  
548 approved charter school.

549 ~~5. Upon approval of an application, the initial startup~~  
550 ~~shall commence with the beginning of the public school calendar~~  
551 ~~for the district in which the charter is granted.~~ A charter

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552 school may defer the opening of the school's operations for up  
553 to 3 years to provide time for adequate facility planning. The  
554 charter school must provide written notice of such intent to the  
555 sponsor and the parents of enrolled students at least 30  
556 calendar days before the first day of school.

557 (d)1. The sponsor shall act upon the decision of the State  
558 Board of Education within 30 calendar days after it is received.  
559 The State Board of Education's decision is a final action  
560 subject to judicial review in the district court of appeal. A  
561 prevailing party may file an action with the Division of  
562 Administrative Hearings to recover reasonable attorney fees and  
563 costs incurred during the denial of the application and any  
564 appeals.

565 2. A school district that fails to implement the decision  
566 affirmed by a district court of appeal shall reduce the  
567 administrative fees withheld pursuant to subsection (20) to 1  
568 percent for all charter schools operating in the school  
569 district. Such school districts shall file a monthly report  
570 detailing the reduction in the amount of administrative fees  
571 withheld. Upon execution of the charter, the sponsor may resume  
572 withholding the full amount of administrative fees but may not  
573 recover any fees that would have otherwise accrued during the  
574 period of noncompliance. Any charter school that had  
575 administrative fees withheld in violation of this paragraph may  
576 recover attorney fees and costs to enforce the requirements of  
577 this paragraph.

578 (7) CHARTER.—The terms and conditions for the operation of  
579 a charter school shall be set forth by the sponsor and the  
580 applicant in a written contractual agreement, called a charter.

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581 The sponsor and the governing board of the charter school shall  
582 use the standard charter contract pursuant to subsection (21),  
583 which shall incorporate the approved application and any addenda  
584 approved with the application. Any term or condition of a  
585 proposed charter contract that differs from the standard charter  
586 contract adopted by rule of the State Board of Education shall  
587 be presumed a limitation on charter school flexibility. The  
588 sponsor may not impose unreasonable rules or regulations that  
589 violate the intent of giving charter schools greater flexibility  
590 to meet educational goals. The charter shall be signed by the  
591 governing board of the charter school and the sponsor, following  
592 a public hearing to ensure community input.

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

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

597 2. The focus of the curriculum, the instructional methods  
598 to be used, any distinctive instructional techniques to be  
599 employed, and identification and acquisition of appropriate  
600 technologies needed to improve educational and administrative  
601 performance which include a means for promoting safe, ethical,  
602 and appropriate uses of technology which comply with legal and  
603 professional standards.

604 a. The charter shall ensure that reading is a primary focus  
605 of the curriculum and that resources are provided to identify  
606 and provide specialized instruction for students who are reading  
607 below grade level. The curriculum and instructional strategies  
608 for reading must be consistent with the Next Generation Sunshine  
609 State Standards and grounded in scientifically based reading

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610 research.

611       b. In order to provide students with access to diverse  
612 instructional delivery models, to facilitate the integration of  
613 technology within traditional classroom instruction, and to  
614 provide students with the skills they need to compete in the  
615 21st century economy, the Legislature encourages instructional  
616 methods for blended learning courses consisting of both  
617 traditional classroom and online instructional techniques.  
618 Charter schools may implement blended learning courses which  
619 combine traditional classroom instruction and virtual  
620 instruction. Students in a blended learning course must be full-  
621 time students of the charter school pursuant to s.  
622 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
623 1012.55 who provide virtual instruction for blended learning  
624 courses may be employees of the charter school or may be under  
625 contract to provide instructional services to charter school  
626 students. At a minimum, such instructional personnel must hold  
627 an active state or school district adjunct certification under  
628 s. 1012.57 for the subject area of the blended learning course.  
629 The funding and performance accountability requirements for  
630 blended learning courses are the same as those for traditional  
631 courses.

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

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

638       b. How these baseline rates will be compared to rates of

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639 academic progress achieved by these same students while  
640 attending the charter school.

641 c. To the extent possible, how these rates of progress will  
642 be evaluated and compared with rates of progress of other  
643 closely comparable student populations.

644

645 A ~~The~~ district school board is required to provide academic  
646 student performance data to charter schools for each of their  
647 students coming from the district school system, as well as  
648 rates of academic progress of comparable student populations in  
649 the district school system.

650 4. The methods used to identify the educational strengths  
651 and needs of students and how well educational goals and  
652 performance standards are met by students attending the charter  
653 school. The methods shall provide a means for the charter school  
654 to ensure accountability to its constituents by analyzing  
655 student performance data and by evaluating the effectiveness and  
656 efficiency of its major educational programs. Students in  
657 charter schools shall, at a minimum, participate in the  
658 statewide assessment program created under s. 1008.22.

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

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

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

667 8. The ways by which the school will achieve a

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668 racial/ethnic balance reflective of the community it serves or  
669 within the racial/ethnic range of other nearby public schools ~~in~~  
670 ~~the same school district.~~

671 9. The financial and administrative management of the  
672 school, including a reasonable demonstration of the professional  
673 experience or competence of those individuals or organizations  
674 applying to operate the charter school or those hired or  
675 retained to perform such professional services and the  
676 description of clearly delineated responsibilities and the  
677 policies and practices needed to effectively manage the charter  
678 school. A description of internal audit procedures and  
679 establishment of controls to ensure that financial resources are  
680 properly managed must be included. Both public sector and  
681 private sector professional experience shall be equally valid in  
682 such a consideration.

683 10. The asset and liability projections required in the  
684 application which are incorporated into the charter and shall be  
685 compared with information provided in the annual report of the  
686 charter school.

687 11. A description of procedures that identify various risks  
688 and provide for a comprehensive approach to reduce the impact of  
689 losses; plans to ensure the safety and security of students and  
690 staff; plans to identify, minimize, and protect others from  
691 violent or disruptive student behavior; and the manner in which  
692 the school will be insured, including whether or not the school  
693 will be required to have liability insurance, and, if so, the  
694 terms and conditions thereof and the amounts of coverage.

695 12. The term of the charter which shall provide for  
696 cancellation of the charter if insufficient progress has been



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697 made in attaining the student achievement objectives of the  
698 charter and if it is not likely that such objectives can be  
699 achieved before expiration of the charter. The initial term of a  
700 charter shall be for 5 years, excluding 2 planning years. In  
701 order to facilitate access to long-term financial resources for  
702 charter school construction, charter schools that are operated  
703 by a municipality or other public entity as provided by law are  
704 eligible for up to a 15-year charter, subject to approval by the  
705 sponsor ~~district school board~~. A charter lab school is eligible  
706 for a charter for a term of up to 15 years. In addition, to  
707 facilitate access to long-term financial resources for charter  
708 school construction, charter schools that are operated by a  
709 private, not-for-profit, s. 501(c)(3) status corporation are  
710 eligible for up to a 15-year charter, subject to approval by the  
711 sponsor ~~district school board~~. Such long-term charters remain  
712 subject to annual review and may be terminated during the term  
713 of the charter, but only according to the provisions set forth  
714 in subsection (8).

715 13. The facilities to be used and their location. The  
716 sponsor may not require a charter school to have a certificate  
717 of occupancy or a temporary certificate of occupancy for such a  
718 facility earlier than 15 calendar days before the first day of  
719 school.

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

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

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726           16. A timetable for implementing the charter which  
727 addresses the implementation of each element thereof and the  
728 date by which the charter shall be awarded in order to meet this  
729 timetable.

730           17. In the case of an existing public school that is being  
731 converted to charter status, alternative arrangements for  
732 current students who choose not to attend the charter school and  
733 for current teachers who choose not to teach in the charter  
734 school after conversion in accordance with the existing  
735 collective bargaining agreement or district school board rule in  
736 the absence of a collective bargaining agreement. However,  
737 alternative arrangements shall not be required for current  
738 teachers who choose not to teach in a charter lab school, except  
739 as authorized by the employment policies of the state university  
740 which grants the charter to the lab school.

741           18. Full disclosure of the identity of all relatives  
742 employed by the charter school who are related to the charter  
743 school owner, president, chairperson of the governing board of  
744 directors, superintendent, governing board member, principal,  
745 assistant principal, or any other person employed by the charter  
746 school who has equivalent decisionmaking authority. For the  
747 purpose of this subparagraph, the term "relative" means father,  
748 mother, son, daughter, brother, sister, uncle, aunt, first  
749 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
750 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
751 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
752 stepsister, half brother, or half sister.

753           19. Implementation of the activities authorized under s.  
754 1002.331 by the charter school when it satisfies the eligibility

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755 requirements for a high-performing charter school. A high-  
756 performing charter school shall notify its sponsor in writing by  
757 March 1 if it intends to increase enrollment or expand grade  
758 levels the following school year. The written notice shall  
759 specify the amount of the enrollment increase and the grade  
760 levels that will be added, as applicable.

761 (b) The sponsor has 30 days after approval of the  
762 application to provide an initial proposed charter contract to  
763 the charter school. The applicant and the sponsor have 40 days  
764 thereafter to negotiate and notice the charter contract for  
765 final approval by the sponsor unless both parties agree to an  
766 extension. The proposed charter contract shall be provided to  
767 the charter school at least 7 calendar days before the date of  
768 the meeting at which the charter is scheduled to be voted upon  
769 by the sponsor. The Department of Education shall provide  
770 mediation services for any dispute regarding this section  
771 subsequent to the approval of a charter application and for any  
772 dispute relating to the approved charter, except a dispute  
773 regarding a charter school application denial. If either the  
774 charter school or the sponsor indicates in writing that the  
775 party does not desire to settle any dispute arising under this  
776 section through mediation procedures offered by the Department  
777 of Education, a charter school may immediately appeal any formal  
778 or informal decision by the sponsor to an administrative law  
779 judge appointed by the Division of Administrative Hearings. If  
780 the Commissioner of Education determines that the dispute cannot  
781 be settled through mediation, the dispute may also be appealed  
782 to an administrative law judge appointed by the Division of  
783 Administrative Hearings. The administrative law judge has final

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784 order authority to rule on issues of equitable treatment of the  
785 charter school as a public school, whether proposed provisions  
786 of the charter violate the intended flexibility granted charter  
787 schools by statute, or any other matter regarding this section,  
788 except a dispute regarding charter school application denial, a  
789 charter termination, or a charter nonrenewal. The administrative  
790 law judge shall award the prevailing party reasonable attorney  
791 fees and costs incurred during the mediation process,  
792 administrative proceeding, and any appeals, to be paid by the  
793 party whom the administrative law judge rules against.

794 (d) A charter may be modified during its initial term or  
795 any renewal term upon the recommendation of the sponsor or the  
796 charter school's governing board and the approval of both  
797 parties to the agreement. Changes to curriculum which are  
798 consistent with state standards shall be deemed approved unless  
799 the sponsor and the Department of Education determine in writing  
800 that the curriculum is inconsistent with state standards.

801 Modification during any term may include, but is not limited to,  
802 consolidation of multiple charters into a single charter if the  
803 charters are operated under the same governing board, regardless  
804 of the renewal cycle. A charter school that is not subject to a  
805 school improvement plan and that closes as part of a  
806 consolidation shall be reported by the sponsor ~~school district~~  
807 as a consolidation.

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

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

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813 exists, that the immediate and serious danger is likely to  
814 continue, and that an immediate termination of the charter is  
815 necessary. The sponsor's determination is subject to the  
816 procedures set forth in paragraph (b), except that the hearing  
817 may take place after the charter has been terminated. The  
818 sponsor shall notify in writing the charter school's governing  
819 board, the charter school principal, and the department of the  
820 facts and circumstances supporting the immediate termination if  
821 ~~a charter is terminated immediately.~~ The sponsor shall clearly  
822 identify the specific issues that resulted in the immediate  
823 termination and provide evidence of prior notification of issues  
824 resulting in the immediate termination, if applicable when  
825 ~~appropriate.~~ Upon receiving written notice from the sponsor, the  
826 charter school's governing board has 10 calendar days to request  
827 a hearing. A requested hearing must be expedited and the final  
828 order must be issued within 60 days after the date of request.  
829 The administrative law judge shall award reasonable attorney  
830 fees and costs to the prevailing party of any injunction,  
831 administrative proceeding, or appeal. The sponsor may seek an  
832 injunction in the circuit court in which the charter school is  
833 located to enjoin continued operation of the charter school if  
834 ~~shall assume operation of the charter school throughout the~~  
835 ~~pendency of the hearing under paragraph (b) unless the continued~~  
836 ~~operation of the charter school would materially threaten the~~  
837 ~~health, safety, or welfare of the students. Failure by the~~  
838 ~~sponsor to assume and continue operation of the charter school~~  
839 ~~shall result in the awarding of reasonable costs and attorney's~~  
840 ~~fees to the charter school if the charter school prevails on~~  
841 ~~appeal.~~

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842 (d) When a charter is not renewed or is terminated, the  
843 school shall be dissolved under the provisions of law under  
844 which the school was organized, and any unencumbered public  
845 funds, except for capital outlay funds and federal charter  
846 school program grant funds, from the charter school shall revert  
847 to the sponsor. Capital outlay funds provided pursuant to s.  
848 1013.62 and federal charter school program grant funds that are  
849 unencumbered shall revert to the department to be redistributed  
850 among eligible charter schools. In the event a charter school is  
851 dissolved or is otherwise terminated, all sponsor ~~district~~  
852 ~~school board~~ property and improvements, furnishings, and  
853 equipment purchased with public funds shall automatically revert  
854 to full ownership by the sponsor ~~district school board~~, subject  
855 to complete satisfaction of any lawful liens or encumbrances.  
856 Any unencumbered public funds from the charter school, ~~district~~  
857 ~~school board~~ property and improvements, furnishings, and  
858 equipment purchased with public funds, or financial or other  
859 records pertaining to the charter school, in the possession of  
860 any person, entity, or holding company, other than the charter  
861 school, shall be held in trust upon the sponsor's ~~district~~  
862 ~~school board's~~ request, until any appeal status is resolved.

863 (e) If a charter is not renewed or is terminated, the  
864 charter school is responsible for all debts of the charter  
865 school. The sponsor ~~district~~ may not assume the debt from any  
866 contract made between the governing body of the school and a  
867 third party, except for a debt that is previously detailed and  
868 agreed upon in writing by both the sponsor ~~district~~ and the  
869 governing body of the school and that may not reasonably be  
870 assumed to have been satisfied by the sponsor ~~district~~.

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871 (9) CHARTER SCHOOL REQUIREMENTS.—

872 (g)1. In order to provide financial information that is  
873 comparable to that reported for other public schools, charter  
874 schools are to maintain all financial records that constitute  
875 their accounting system:

876 a. In accordance with the accounts and codes prescribed in  
877 the most recent issuance of the publication titled "Financial  
878 and Program Cost Accounting and Reporting for Florida Schools";  
879 or

880 b. At the discretion of the charter school's governing  
881 board, a charter school may elect to follow generally accepted  
882 accounting standards for not-for-profit organizations, but must  
883 reformat this information for reporting according to this  
884 paragraph.

885 2. Charter schools shall provide annual financial report  
886 and program cost report information in the state-required  
887 formats for inclusion in sponsor ~~district~~ reporting in  
888 compliance with s. 1011.60(1). Charter schools that are operated  
889 by a municipality or are a component unit of a parent nonprofit  
890 organization may use the accounting system of the municipality  
891 or the parent but must reformat this information for reporting  
892 according to this paragraph.

893 3. A charter school shall, upon approval of the charter  
894 contract, provide the sponsor with a concise, uniform, monthly  
895 financial statement summary sheet that contains a balance sheet  
896 and a statement of revenue, expenditures, and changes in fund  
897 balance. The balance sheet and the statement of revenue,  
898 expenditures, and changes in fund balance shall be in the  
899 governmental funds format prescribed by the Governmental

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900 Accounting Standards Board. A high-performing charter school  
901 pursuant to s. 1002.331 may provide a quarterly financial  
902 statement in the same format and requirements as the uniform  
903 monthly financial statement summary sheet. The sponsor shall  
904 review each monthly or quarterly financial statement to identify  
905 the existence of any conditions identified in s. 1002.345(1) (a).

906 4. A charter school shall maintain and provide financial  
907 information as required in this paragraph. The financial  
908 statement required in subparagraph 3. must be in a form  
909 prescribed by the Department of Education.

910 (n)1. The director and a representative of the governing  
911 board of a charter school that has earned a grade of "D" or "F"  
912 pursuant to s. 1008.34 shall appear before the sponsor to  
913 present information concerning each contract component having  
914 noted deficiencies. The director and a representative of the  
915 governing board shall submit to the sponsor for approval a  
916 school improvement plan to raise student performance. Upon  
917 approval by the sponsor, the charter school shall begin  
918 implementation of the school improvement plan. The department  
919 shall offer technical assistance and training to the charter  
920 school and its governing board and establish guidelines for  
921 developing, submitting, and approving such plans.

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

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

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



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929 demonstrated record of effectiveness to operate the school;

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

932 (IV) Voluntarily close the charter school.

933 b. The charter school must implement the corrective action  
934 in the school year following receipt of a third consecutive  
935 grade below a "C."

936 c. The sponsor may annually waive a corrective action if it  
937 determines that the charter school is likely to improve a letter  
938 grade if additional time is provided to implement the  
939 intervention and support strategies prescribed by the school  
940 improvement plan. Notwithstanding this sub-subparagraph, a  
941 charter school that earns a second consecutive grade of "F" is  
942 subject to subparagraph 3.

943 d. A charter school is no longer required to implement a  
944 corrective action if it improves to a "C" or higher. However,  
945 the charter school must continue to implement strategies  
946 identified in the school improvement plan. The sponsor must  
947 annually review implementation of the school improvement plan to  
948 monitor the school's continued improvement pursuant to  
949 subparagraph 4.

950 e. A charter school implementing a corrective action that  
951 does not improve to a "C" or higher after 2 full school years of  
952 implementing the corrective action must select a different  
953 corrective action. Implementation of the new corrective action  
954 must begin in the school year following the implementation  
955 period of the existing corrective action, unless the sponsor  
956 determines that the charter school is likely to improve to a "C"  
957 or higher if additional time is provided to implement the

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958 existing corrective action. Notwithstanding this sub-  
959 subparagraph, a charter school that earns a second consecutive  
960 grade of "F" while implementing a corrective action is subject  
961 to subparagraph 3.

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

965 a. The charter school is established to turn around the  
966 performance of a district public school pursuant to s.  
967 1008.33(4)(b)2. Such charter schools shall be governed by s.  
968 1008.33;

969 b. The charter school serves a student population the  
970 majority of which resides in a school zone served by a district  
971 public school subject to s. 1008.33(4) and the charter school  
972 earns at least a grade of "D" in its third year of operation.  
973 The exception provided under this sub-subparagraph does not  
974 apply to a charter school in its fourth year of operation and  
975 thereafter; or

976 c. The state board grants the charter school a waiver of  
977 termination. The charter school must request the waiver within  
978 15 days after the department's official release of school  
979 grades. The state board may waive termination if the charter  
980 school demonstrates that the Learning Gains of its students on  
981 statewide assessments are comparable to or better than the  
982 Learning Gains of similarly situated students enrolled in nearby  
983 ~~district~~ public schools. The waiver is valid for 1 year and may  
984 only be granted once. Charter schools that have been in  
985 operation for more than 5 years are not eligible for a waiver  
986 under this sub-subparagraph.

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987  
988 The sponsor shall notify the charter school's governing board,  
989 the charter school principal, and the department in writing when  
990 a charter contract is terminated under this subparagraph. A  
991 charter terminated under this subparagraph must follow the  
992 procedures for dissolution and reversion of public funds  
993 pursuant to paragraphs (8)(d)-(f) and (9)(o).

994 4. The director and a representative of the governing board  
995 of a graded charter school that has implemented a school  
996 improvement plan under this paragraph shall appear before the  
997 sponsor at least once a year to present information regarding  
998 the progress of intervention and support strategies implemented  
999 by the school pursuant to the school improvement plan and  
1000 corrective actions, if applicable. The sponsor shall communicate  
1001 at the meeting, and in writing to the director, the services  
1002 provided to the school to help the school address its  
1003 deficiencies.

1004 5. Notwithstanding any provision of this paragraph except  
1005 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter  
1006 at any time pursuant to subsection (8).

1007 (10) ELIGIBLE STUDENTS.—

1008 (d) A charter school may give enrollment preference to the  
1009 following student populations:

1010 1. Students who are siblings of a student enrolled in the  
1011 charter school.

1012 2. Students who are the children of a member of the  
1013 governing board of the charter school.

1014 3. Students who are the children of an employee of the  
1015 charter school.

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- 1016 4. Students who are the children of:
- 1017 a. An employee of the business partner of a charter
- 1018 school-in-the-workplace established under paragraph (15) (b) or a
- 1019 resident of the municipality in which such charter school is
- 1020 located; or
- 1021 b. A resident or employee of a municipality that operates a
- 1022 charter school-in-a-municipality pursuant to paragraph (15) (c)
- 1023 or allows a charter school to use a school facility or portion
- 1024 of land provided by the municipality for the operation of the
- 1025 charter school.
- 1026 5. Students who have successfully completed, during the
- 1027 previous year, a voluntary prekindergarten education program
- 1028 under ss. 1002.51-1002.79 provided by the charter school, ~~or~~ the
- 1029 charter school's governing board, or a voluntary prekindergarten
- 1030 provider that has a written agreement with the governing board
- 1031 during the previous year.
- 1032 6. Students who are the children of an active duty member
- 1033 of any branch of the United States Armed Forces.
- 1034 7. Students who attended or are assigned to failing schools
- 1035 pursuant to s. 1002.38(2).
- 1036 (e) A charter school may limit the enrollment process only
- 1037 to target the following student populations:
- 1038 1. Students within specific age groups or grade levels.
- 1039 2. Students considered at risk of dropping out of school or
- 1040 academic failure. Such students shall include exceptional
- 1041 education students.
- 1042 3. Students enrolling in a charter school-in-the-workplace
- 1043 or charter school-in-a-municipality established pursuant to
- 1044 subsection (15).

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1045 4. Students residing within a reasonable distance of the  
1046 charter school, as described in paragraph (20)(c). Such students  
1047 shall be subject to a random lottery and to the racial/ethnic  
1048 balance provisions described in subparagraph (7)(a)8. or any  
1049 federal provisions that require a school to achieve a  
1050 racial/ethnic balance reflective of the community it serves or  
1051 within the racial/ethnic range of other nearby public schools ~~in~~  
1052 ~~the same school district.~~

1053 5. Students who meet reasonable academic, artistic, or  
1054 other eligibility standards established by the charter school  
1055 and included in the charter school application and charter or,  
1056 in the case of existing charter schools, standards that are  
1057 consistent with the school's mission and purpose. Such standards  
1058 shall be in accordance with current state law and practice in  
1059 public schools and may not discriminate against otherwise  
1060 qualified individuals.

1061 6. Students articulating from one charter school to another  
1062 pursuant to an articulation agreement between the charter  
1063 schools that has been approved by the sponsor.

1064 7. Students living in a development in which a developer,  
1065 including any affiliated business entity or charitable  
1066 foundation, contributes to the formation, acquisition,  
1067 construction, or operation of one or more charter schools or  
1068 charter ~~provides the school facilities facility~~ and related  
1069 property in an amount equal to or having a total an appraised  
1070 value of at least \$5 million to be used as a charter schools  
1071 ~~school~~ to mitigate the educational impact created by the  
1072 development of new residential dwelling units. Students living  
1073 in the development are ~~shall be~~ entitled to ~~no more than~~ 50

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1074 percent of the student stations in the charter schools ~~school~~.  
1075 The students who are eligible for enrollment are subject to a  
1076 random lottery, the racial/ethnic balance provisions, or any  
1077 federal provisions, as described in subparagraph 4. The  
1078 remainder of the student stations must ~~shall~~ be filled in  
1079 accordance with subparagraph 4.

1080 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION  
1081 OF THE STATE AND SPONSOR SCHOOL ~~SCHOOL-DISTRICT~~; CREDIT OR TAXING POWER  
1082 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or  
1083 otherwise secure funds for a charter school authorized in this  
1084 section from a source other than the state or a sponsor school ~~school~~  
1085 ~~district~~ shall indemnify the state and the sponsor school ~~school~~  
1086 ~~district~~ from any and all liability, including, but not limited  
1087 to, financial responsibility for the payment of the principal or  
1088 interest. Any loans, bonds, or other financial agreements are  
1089 not obligations of the state or the sponsor school ~~school-district~~ but  
1090 are obligations of the charter school authority and are payable  
1091 solely from the sources of funds pledged by such agreement. The  
1092 credit or taxing power of the state or the sponsor school ~~school~~  
1093 ~~district~~ shall not be pledged and no debts shall be payable out  
1094 of any moneys except those of the legal entity in possession of  
1095 a valid charter approved by a sponsor district ~~school board~~  
1096 pursuant to this section.

1097 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
1098 A-MUNICIPALITY.—

1099 (c) A charter school-in-a-municipality designation may be  
1100 granted to a municipality that possesses a charter; enrolls  
1101 students based upon a random lottery that involves all of the  
1102 children of the residents of that municipality who are seeking

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1103 enrollment, as provided for in subsection (10); and enrolls  
1104 students according to the racial/ethnic balance provisions  
1105 described in subparagraph (7)(a)8. When a municipality has  
1106 submitted charter applications for the establishment of a  
1107 charter school feeder pattern, consisting of elementary, middle,  
1108 and senior high schools, and each individual charter application  
1109 is approved by the sponsor ~~district school board~~, such schools  
1110 shall then be designated as one charter school for all purposes  
1111 listed pursuant to this section. Any portion of the land and  
1112 facility used for a public charter school shall be exempt from  
1113 ad valorem taxes, as provided for in s. 1013.54, for the  
1114 duration of its use as a public school.

1115 (17) FUNDING.—Students enrolled in a charter school,  
1116 regardless of the sponsorship, shall be funded as if they are in  
1117 a basic program or a special program, the same as students  
1118 enrolled in other public schools in a ~~the~~ school district.  
1119 Funding for a charter lab school shall be as provided in s.  
1120 1002.32.

1121 (a) Each charter school shall report its student enrollment  
1122 to the sponsor as required in s. 1011.62, and in accordance with  
1123 the definitions in s. 1011.61. The sponsor shall include each  
1124 charter school's enrollment in the sponsor's ~~district's~~ report  
1125 of student enrollment. All charter schools submitting student  
1126 record information required by the Department of Education shall  
1127 comply with the Department of Education's guidelines for  
1128 electronic data formats for such data, and all sponsors  
1129 ~~districts~~ shall accept electronic data that complies with the  
1130 Department of Education's electronic format.

1131 (b)1. The basis for the agreement for funding students

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1132 enrolled in a charter school shall be the sum of the school  
1133 district's operating funds from the Florida Education Finance  
1134 Program as provided in s. 1011.62 and the General Appropriations  
1135 Act, including gross state and local funds, discretionary  
1136 lottery funds, and funds from the school district's current  
1137 operating discretionary millage levy; divided by total funded  
1138 weighted full-time equivalent students in the school district;  
1139 and multiplied by the weighted full-time equivalent students for  
1140 the charter school. Charter schools whose students or programs  
1141 meet the eligibility criteria in law are entitled to their  
1142 proportionate share of categorical program funds included in the  
1143 total funds available in the Florida Education Finance Program  
1144 by the Legislature, including transportation, the research-based  
1145 reading allocation, and the Florida digital classrooms  
1146 allocation. Total funding for each charter school shall be  
1147 recalculated during the year to reflect the revised calculations  
1148 under the Florida Education Finance Program by the state and the  
1149 actual weighted full-time equivalent students reported by the  
1150 charter school during the full-time equivalent student survey  
1151 periods designated by the Commissioner of Education. For charter  
1152 schools operated by a not-for-profit or municipal entity, any  
1153 unrestricted current and capital assets identified in the  
1154 charter school's annual financial audit may be used for other  
1155 charter schools operated by the not-for-profit or municipal  
1156 entity within the school district. Unrestricted current assets  
1157 shall be used in accordance with s. 1011.62, and any  
1158 unrestricted capital assets shall be used in accordance with s.  
1159 1013.62(2).

1160 2.a. Students enrolled in a charter school sponsored by a



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1161 state university or Florida College System institution pursuant  
1162 to paragraph (5)(a) shall be funded as if they are in a basic  
1163 program or a special program in the school district. The basis  
1164 for funding these students is the sum of the total operating  
1165 funds from the Florida Education Finance Program for the school  
1166 district in which the school is located as provided in s.  
1167 1011.62 and the General Appropriations Act, including gross  
1168 state and local funds, discretionary lottery funds, and funds  
1169 from each school district's current operating discretionary  
1170 millage levy, divided by total funded weighted full-time  
1171 equivalent students in the district, and multiplied by the full-  
1172 time equivalent membership of the charter school. The Department  
1173 of Education shall develop a tool that each state university or  
1174 Florida College System institution sponsoring a charter school  
1175 shall use for purposes of calculating the funding amount for  
1176 each eligible charter school student. The total amount obtained  
1177 from the calculation must be appropriated from state funds in  
1178 the General Appropriations Act to the charter school.

1179 b. Capital outlay funding for a charter school sponsored by  
1180 a state university or Florida College System institution  
1181 pursuant to paragraph (5)(a) is determined pursuant to s.  
1182 1013.62 and the General Appropriations Act.

1183 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter  
1184 schools shall receive all federal funding for which the school  
1185 is otherwise eligible, including Title I funding, not later than  
1186 5 months after the charter school first opens and within 5  
1187 months after any subsequent expansion of enrollment. Unless  
1188 otherwise mutually agreed to by the charter school and its  
1189 sponsor, and consistent with state and federal rules and

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1190 regulations governing the use and disbursement of federal funds,  
1191 the sponsor shall reimburse the charter school on a monthly  
1192 basis for all invoices submitted by the charter school for  
1193 federal funds available to the sponsor for the benefit of the  
1194 charter school, the charter school's students, and the charter  
1195 school's students as public school students in the school  
1196 district. Such federal funds include, but are not limited to,  
1197 Title I, Title II, and Individuals with Disabilities Education  
1198 Act (IDEA) funds. To receive timely reimbursement for an  
1199 invoice, the charter school must submit the invoice to the  
1200 sponsor at least 30 days before the monthly date of  
1201 reimbursement set by the sponsor. In order to be reimbursed, any  
1202 expenditures made by the charter school must comply with all  
1203 applicable state rules and federal regulations, including, but  
1204 not limited to, the applicable federal Office of Management and  
1205 Budget Circulars; the federal Education Department General  
1206 Administrative Regulations; and program-specific statutes,  
1207 rules, and regulations. Such funds may not be made available to  
1208 the charter school until a plan is submitted to the sponsor for  
1209 approval of the use of the funds in accordance with applicable  
1210 federal requirements. The sponsor has 30 days to review and  
1211 approve any plan submitted pursuant to this paragraph.

1212 (d) Charter schools shall be included by the Department of  
1213 Education and the district school board in requests for federal  
1214 stimulus funds in the same manner as district school board-  
1215 operated public schools, including Title I and IDEA funds and  
1216 shall be entitled to receive such funds. Charter schools are  
1217 eligible to participate in federal competitive grants that are  
1218 available as part of the federal stimulus funds.

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1219           (e) Sponsors ~~District school boards~~ shall make timely and  
1220 efficient payment and reimbursement to charter schools,  
1221 including processing paperwork required to access special state  
1222 and federal funding for which they may be eligible. Payments of  
1223 funds under paragraph (b) shall be made monthly or twice a  
1224 month, beginning with the start of the sponsor's ~~district school~~  
1225 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
1226 twenty-fourth, as applicable, of the total state and local funds  
1227 described in paragraph (b) and adjusted as set forth therein.  
1228 For the first 2 years of a charter school's operation, if a  
1229 minimum of 75 percent of the projected enrollment is entered  
1230 into the sponsor's student information system by the first day  
1231 of the current month, the sponsor ~~district school board~~ shall  
1232 distribute funds to the school for the months of July through  
1233 October based on the projected full-time equivalent student  
1234 membership of the charter school as submitted in the approved  
1235 application. If less than 75 percent of the projected enrollment  
1236 is entered into the sponsor's student information system by the  
1237 first day of the current month, the sponsor shall base payments  
1238 on the actual number of student enrollment entered into the  
1239 sponsor's student information system. Thereafter, the results of  
1240 full-time equivalent student membership surveys shall be used in  
1241 adjusting the amount of funds distributed monthly to the charter  
1242 school for the remainder of the fiscal year. The payments shall  
1243 be issued no later than 10 working days after the sponsor  
1244 ~~district school board~~ receives a distribution of state or  
1245 federal funds or the date the payment is due pursuant to this  
1246 subsection. If a warrant for payment is not issued within 10  
1247 working days after receipt of funding by the sponsor ~~district~~

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1248 ~~school board~~, the sponsor ~~school district~~ shall pay to the  
1249 charter school, in addition to the amount of the scheduled  
1250 disbursement, interest at a rate of 1 percent per month  
1251 calculated on a daily basis on the unpaid balance from the  
1252 expiration of the 10 working days until such time as the warrant  
1253 is issued. The district school board may not delay payment to a  
1254 charter school of any portion of the funds provided in paragraph  
1255 (b) based on the timing of receipt of local funds by the  
1256 district school board.

1257 (f) Funding for a virtual charter school shall be as  
1258 provided in s. 1002.45(7).

1259 (g) To be eligible for public education capital outlay  
1260 (PECO) funds, a charter school must be located in the State of  
1261 Florida.

1262 (h) A charter school that implements a schoolwide standard  
1263 student attire policy pursuant to s. 1011.78 is eligible to  
1264 receive incentive payments.

1265 (18) FACILITIES.—

1266 (e) If a district school board facility or property is  
1267 available because it is surplus, marked for disposal, or  
1268 otherwise unused, it shall be provided for a charter school's  
1269 use on the same basis as it is made available to other public  
1270 schools in the district. A charter school receiving property  
1271 from the sponsor ~~school district~~ may not sell or dispose of such  
1272 property without written permission of the sponsor ~~school~~  
1273 ~~district~~. Similarly, for an existing public school converting to  
1274 charter status, no rental or leasing fee for the existing  
1275 facility or for the property normally inventoried to the  
1276 conversion school may be charged by the district school board to

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1277 the parents and teachers organizing the charter school. The  
1278 charter school shall agree to reasonable maintenance provisions  
1279 in order to maintain the facility in a manner similar to  
1280 district school board standards. The Public Education Capital  
1281 Outlay maintenance funds or any other maintenance funds  
1282 generated by the facility operated as a conversion school shall  
1283 remain with the conversion school.

1284 (20) SERVICES.—

1285 (a)1. A sponsor shall provide certain administrative and  
1286 educational services to charter schools. These services shall  
1287 include contract management services; full-time equivalent and  
1288 data reporting services; exceptional student education  
1289 administration services; services related to eligibility and  
1290 reporting duties required to ensure that school lunch services  
1291 under the National School Lunch Program, consistent with the  
1292 needs of the charter school, are provided by the sponsor ~~school~~  
1293 ~~district~~ at the request of the charter school, that any funds  
1294 due to the charter school under the National School Lunch  
1295 Program be paid to the charter school as soon as the charter  
1296 school begins serving food under the National School Lunch  
1297 Program, and that the charter school is paid at the same time  
1298 and in the same manner under the National School Lunch Program  
1299 as other public schools serviced by the sponsor or the school  
1300 district; test administration services, including payment of the  
1301 costs of state-required or district-required student  
1302 assessments; processing of teacher certificate data services;  
1303 and information services, including equal access to the  
1304 sponsor's student information systems that are used by public  
1305 schools in the district in which the charter school is located

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1306 or by schools in the sponsor's portfolio of charter schools if  
1307 the sponsor is not a school district. Student performance data  
1308 for each student in a charter school, including, but not limited  
1309 to, FCAT scores, standardized test scores, previous public  
1310 school student report cards, and student performance measures,  
1311 shall be provided by the sponsor to a charter school in the same  
1312 manner provided to other public schools in the district or by  
1313 schools in the sponsor's portfolio of charter schools if the  
1314 sponsor is not a school district.

1315         2. A sponsor may withhold an administrative fee for the  
1316 provision of such services which shall be a percentage of the  
1317 available funds defined in paragraph (17)(b) calculated based on  
1318 weighted full-time equivalent students. If the charter school  
1319 serves 75 percent or more exceptional education students as  
1320 defined in s. 1003.01(3), the percentage shall be calculated  
1321 based on unweighted full-time equivalent students. The  
1322 administrative fee shall be calculated as follows:

1323         a. Up to 5 percent for:

1324             (I) Enrollment of up to and including 250 students in a  
1325 charter school as defined in this section.

1326             (II) Enrollment of up to and including 500 students within  
1327 a charter school system which meets all of the following:

1328                 (A) Includes conversion charter schools and nonconversion  
1329 charter schools.

1330                 (B) Has all of its schools located in the same county.

1331                 (C) Has a total enrollment exceeding the total enrollment  
1332 of at least one school district in this ~~the~~ state.

1333                 (D) Has the same governing board for all of its schools.

1334                 (E) Does not contract with a for-profit service provider

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1335 for management of school operations.

1336 (III) Enrollment of up to and including 250 students in a  
1337 virtual charter school.

1338 b. Up to 2 percent for enrollment of up to and including  
1339 250 students in a high-performing charter school as defined in  
1340 s. 1002.331.

1341 c. Up to 2 percent for enrollment of up to and including  
1342 250 students in an exceptional student education center that  
1343 meets the requirements of the rules adopted by the State Board  
1344 of Education pursuant to s. 1008.3415(3).

1345 3. A sponsor may not charge charter schools any additional  
1346 fees or surcharges for administrative and educational services  
1347 in addition to the maximum percentage of administrative fees  
1348 withheld pursuant to this paragraph.

1349 4. A sponsor shall provide to the department by September  
1350 15 of each year the total amount of funding withheld from  
1351 charter schools pursuant to this subsection for the prior fiscal  
1352 year. The department must include the information in the report  
1353 required under sub-sub-subparagraph (5) (b) 1.k. (III).

1354 (b) If goods and services are made available to the charter  
1355 school through the contract with the sponsor ~~school district~~,  
1356 they shall be provided to the charter school at a rate no  
1357 greater than the sponsor's ~~district's~~ actual cost unless  
1358 mutually agreed upon by the charter school and the sponsor in a  
1359 contract negotiated separately from the charter. When mediation  
1360 has failed to resolve disputes over contracted services or  
1361 contractual matters not included in the charter, an appeal may  
1362 be made to an administrative law judge appointed by the Division  
1363 of Administrative Hearings. The administrative law judge has

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1364 final order authority to rule on the dispute. The administrative  
1365 law judge shall award the prevailing party reasonable attorney  
1366 fees and costs incurred during the mediation process,  
1367 administrative proceeding, and any appeals, to be paid by the  
1368 party whom the administrative law judge rules against. To  
1369 maximize the use of state funds, sponsors ~~school districts~~ shall  
1370 allow charter schools to participate in the sponsor's bulk  
1371 purchasing program if applicable.

1372 (c) Transportation of charter school students shall be  
1373 provided by the charter school consistent with the requirements  
1374 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
1375 body of the charter school may provide transportation through an  
1376 agreement or contract with the sponsor ~~district school board~~, a  
1377 private provider, or parents. The charter school and the sponsor  
1378 shall cooperate in making arrangements that ensure that  
1379 transportation is not a barrier to equal access for all students  
1380 residing within a reasonable distance of the charter school as  
1381 determined in its charter.

1382 (d) Each charter school shall annually complete and submit  
1383 a survey, provided in a format specified by the Department of  
1384 Education, to rate the timeliness and quality of services  
1385 provided by the sponsor ~~district~~ in accordance with this  
1386 section. The department shall compile the results, by sponsor  
1387 ~~district~~, and include the results in the report required under  
1388 sub-sub-subparagraph (5) (b) 1.k. (III).

1389 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

1390 (a) The Department of Education shall provide information  
1391 to the public, directly and through sponsors, on how to form and  
1392 operate a charter school and how to enroll in a charter school



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1393 once it is created. This information shall include the standard  
1394 application form, standard charter contract, standard evaluation  
1395 instrument, and standard charter renewal contract, which shall  
1396 include the information specified in subsection (7) and shall be  
1397 developed by consulting and negotiating with both sponsors  
1398 ~~school districts~~ and charter schools before implementation. The  
1399 charter and charter renewal contracts shall be used by charter  
1400 school sponsors.

1401 (b)1. The Department of Education shall report to each  
1402 charter school receiving a school grade pursuant to s. 1008.34  
1403 or a school improvement rating pursuant to s. 1008.341 the  
1404 school's student assessment data.

1405 2. The charter school shall report the information in  
1406 subparagraph 1. to each parent of a student at the charter  
1407 school, the parent of a child on a waiting list for the charter  
1408 school, the sponsor ~~district in which the charter school is~~  
1409 ~~located~~, and the governing board of the charter school. This  
1410 paragraph does not abrogate the provisions of s. 1002.22,  
1411 relating to student records, or the requirements of 20 U.S.C. s.  
1412 1232g, the Family Educational Rights and Privacy Act.

1413 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
1414 SCHOOL SYSTEMS.—

1415 (a) A charter school system's governing board shall be  
1416 designated a local educational agency for the purpose of  
1417 receiving federal funds, the same as though the charter school  
1418 system were a school district, if the governing board of the  
1419 charter school system has adopted and filed a resolution with  
1420 its sponsor ~~sponsoring district school board~~ and the Department  
1421 of Education in which the governing board of the charter school

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1422 system accepts the full responsibility for all local education  
1423 agency requirements and the charter school system meets all of  
1424 the following:

- 1425 1. Has all schools located in the same county;
- 1426 2. Has a total enrollment exceeding the total enrollment of  
1427 at least one school district in this ~~the~~ state; and
- 1428 3. Has the same governing board.

1429  
1430 Such designation does not apply to other provisions unless  
1431 specifically provided in law.

1432 (28) RULEMAKING.—The Department of Education, after  
1433 consultation with sponsors ~~school districts~~ and charter school  
1434 directors, shall recommend that the State Board of Education  
1435 adopt rules to implement specific subsections of this section.  
1436 Such rules shall require minimum paperwork and shall not limit  
1437 charter school flexibility authorized by statute. The State  
1438 Board of Education shall adopt rules, pursuant to ss. 120.536(1)  
1439 and 120.54, to implement a standard charter application form,  
1440 standard application form for the replication of charter schools  
1441 in a high-performing charter school system, standard evaluation  
1442 instrument, and standard charter and charter renewal contracts  
1443 in accordance with this section.

1444 Section 5. Paragraph (a) of subsection (1), paragraph (a)  
1445 of subsection (2), and paragraph (b) of subsection (3) of  
1446 section 1002.331, Florida Statutes, are amended to read:

1447 1002.331 High-performing charter schools.—

1448 (1) A charter school is a high-performing charter school if  
1449 it:

1450 (a) 1. Received at least two school grades of "A" and no

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1451 school grade below "B," pursuant to s. 1008.34, during each of  
1452 the previous 3 school years or received at least two consecutive  
1453 school grades of "A" in the most recent 2 school years for the  
1454 years that the school received a grade; or

1455 2. Receives, during its first 3 years of operation, funding  
1456 through the National Fund of the Charter School Growth Fund, and  
1457 has received no school grade lower than a "C," pursuant to s.  
1458 1008.34, during each of the previous 3 school years for the  
1459 years that the school received a grade.

1460  
1461 For purposes of determining initial eligibility, the  
1462 requirements of paragraphs (b) and (c) only apply for the most  
1463 recent 2 fiscal years if the charter school earns two  
1464 consecutive grades of "A." A virtual charter school established  
1465 under s. 1002.33 is not eligible for designation as a high-  
1466 performing charter school.

1467 (2) A high-performing charter school is authorized to:

1468 (a) Increase its student enrollment once per school year to  
1469 more than the capacity identified in the charter, but student  
1470 enrollment may not exceed the capacity of the facility at the  
1471 time the enrollment increase will take effect. Facility capacity  
1472 for purposes of ~~grade-level~~ expansion shall include any  
1473 improvements to an existing facility or any new facility in  
1474 which ~~a majority of~~ the students of the high-performing charter  
1475 school will enroll.

1476  
1477 A high-performing charter school shall notify its sponsor in  
1478 writing by March 1 if it intends to increase enrollment or  
1479 expand grade levels the following school year. The written

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1480 notice shall specify the amount of the enrollment increase and  
1481 the grade levels that will be added, as applicable. If a charter  
1482 school notifies the sponsor of its intent to expand, the sponsor  
1483 shall modify the charter within 90 days to include the new  
1484 enrollment maximum and may not make any other changes. The  
1485 sponsor may deny a request to increase the enrollment of a high-  
1486 performing charter school if the commissioner has declassified  
1487 the charter school as high-performing. If a high-performing  
1488 charter school requests to consolidate multiple charters, the  
1489 sponsor shall have 40 days after receipt of that request to  
1490 provide an initial draft charter to the charter school. The  
1491 sponsor and charter school shall have 50 days thereafter to  
1492 negotiate and notice the charter contract for final approval by  
1493 the sponsor.

1494 (3)

1495 (b) A high-performing charter school may submit not  
1496 ~~establish more than two applications for a charter school to be~~  
1497 opened schools within this the state under paragraph (a) at a  
1498 time determined by the high-performing charter school in any  
1499 year. A subsequent application to establish a charter school  
1500 under paragraph (a) may not be submitted unless each charter  
1501 school applicant commences operations or an application is  
1502 otherwise withdrawn established in this manner achieves high-  
1503 performing charter school status. However, a high-performing  
1504 charter school may establish more than one charter school within  
1505 this the state under paragraph (a) in any year if it operates in  
1506 the area of a persistently low-performing school and serves  
1507 students from that school. This paragraph applies to any high-  
1508 performing charter school with an existing approved application.

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1509 Section 6. Paragraph (c) of subsection (1), paragraphs (a),  
1510 (g), and (h) of subsection (6), and paragraph (d) of subsection  
1511 (7) of section 1002.333, Florida Statutes, are amended, and  
1512 paragraph (e) is added to subsection (9) of that section, to  
1513 read:

1514 1002.333 Persistently low-performing schools.—

1515 (1) DEFINITIONS.—As used in this section, the term:

1516 (c) "Persistently low-performing school" means a school  
1517 that has earned three grades lower than a "C," pursuant to s.  
1518 1008.34, in at least 3 of the previous 5 years that the school  
1519 received a grade and has not earned a grade of "B" or higher in  
1520 the most recent 2 school years, and a school that was closed  
1521 pursuant to s. 1008.33(4) within 2 years after the submission of  
1522 a notice of intent.

1523 (6) STATUTORY AUTHORITY.—

1524 (a) A school of hope or a nonprofit entity that operates  
1525 more than one school of hope through a performance-based  
1526 agreement with a school district may be designated as a local  
1527 education agency by the department, if requested, for the  
1528 purposes of receiving federal funds and, in doing so, accepts  
1529 the full responsibility for all local education agency  
1530 requirements and the schools for which it will perform local  
1531 education agency responsibilities.

1532 1. A nonprofit entity designated as a local education  
1533 agency may report its students to the department in accordance  
1534 with the definitions in s. 1011.61 and pursuant to the  
1535 department's procedures and timelines.

1536 2. Students enrolled in a school established by a hope  
1537 operator designated as a local educational agency are not

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1538 eligible students for purposes of calculating the district grade  
1539 pursuant to s. 1008.34(5).

1540 (g) Each school of hope that has not been designated as a  
1541 local education agency shall report its students to the school  
1542 district as required in s. 1011.62, and in accordance with the  
1543 definitions in s. 1011.61. The school district shall include  
1544 each charter school's enrollment in the district's report of  
1545 student enrollment. All charter schools submitting student  
1546 record information required by the department shall comply with  
1547 the department's guidelines for electronic data formats for such  
1548 data, and all districts shall accept electronic data that  
1549 complies with the department's electronic format.

1550 (h)1. A school of hope shall provide the school district  
1551 with a concise, uniform, quarterly financial statement summary  
1552 sheet that contains a balance sheet and a statement of revenue,  
1553 expenditures, and changes in fund balance. The balance sheet and  
1554 the statement of revenue, expenditures, and changes in fund  
1555 balance shall be in the governmental fund format prescribed by  
1556 the Governmental Accounting Standards Board. Additionally, a  
1557 school of hope shall comply with the annual audit requirement  
1558 for charter schools in s. 218.39.

1559 2. A school of hope is in compliance with subparagraph 1.  
1560 if it is operated by a nonprofit entity designated as a local  
1561 education agency and if the nonprofit submits to each school  
1562 district in which it operates a school of hope:

1563 a. A concise, uniform, quarterly financial statement  
1564 summary sheet that contains a balance sheet summarizing the  
1565 revenue, expenditures, and changes in fund balance for the  
1566 entity and for its schools of hope within the school district.

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1567           b. An annual financial audit of the nonprofit which  
1568 includes all schools of hope it operates within this state and  
1569 which complies with s. 218.39 regarding audits of a school  
1570 board.

1571           (7) FACILITIES.—

1572           (d) No later than January ~~October~~ 1, the department ~~each~~  
1573 ~~school district~~ shall annually provide to school districts ~~the~~  
1574 ~~Department of Education~~ a list of all underused, vacant, or  
1575 surplus facilities owned or operated by the school district as  
1576 reported in the Florida Inventory of School Houses. A school  
1577 district may provide evidence to the department that the list  
1578 contains errors or omissions within 30 days after receipt of the  
1579 list. By each April 1, the department shall update and publish a  
1580 final list of all underused, vacant, or surplus facilities owned  
1581 or operated by each school district, based upon updated  
1582 information provided by each school district. A hope operator  
1583 establishing a school of hope may use an educational facility  
1584 identified in this paragraph at no cost or at a mutually  
1585 agreeable cost not to exceed \$600 per student. A hope operator  
1586 using a facility pursuant to this paragraph may not sell or  
1587 dispose of such facility without the written permission of the  
1588 school district. For purposes of this paragraph, the term  
1589 “underused, vacant, or surplus facility” means an entire  
1590 facility or portion thereof which is not fully used or is used  
1591 irregularly or intermittently by the school district for  
1592 instructional or program use.

1593           (9) FUNDING.—

1594           (e) For a nonprofit entity designated by the department as  
1595 a local education agency pursuant to paragraph (6) (h), any

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1596 unrestricted current and capital assets identified in the annual  
1597 financial audit required by sub-subparagraph (6)(h)2.b. may be  
1598 used for any other school of hope operated by the local  
1599 education agency within the same district. Unrestricted current  
1600 assets shall be used in accordance with s. 1011.62, and any  
1601 unrestricted capital assets shall be used in accordance with s.  
1602 1013.62(2).

1603 Section 7. Paragraph (d) of subsection (1) and paragraph  
1604 (a) of subsection (2) of section 1002.45, Florida Statutes, are  
1605 amended to read:

1606 1002.45 Virtual instruction programs.—

1607 (1) PROGRAM.—

1608 (d) A virtual charter school may provide full-time or part-  
1609 time virtual instruction for students in kindergarten through  
1610 grade 12 if the virtual charter school has a charter approved  
1611 pursuant to s. 1002.33 ~~authorizing full-time virtual~~  
1612 ~~instruction~~. A virtual charter school may:

1613 1. Contract with the Florida Virtual School.

1614 2. Contract with an approved provider under subsection (2).

1615 3. Enter into an agreement with a school district to allow  
1616 the participation of the virtual charter school's students in  
1617 the school district's virtual instruction program. The agreement  
1618 must indicate a process for reporting of student enrollment and  
1619 the transfer of funds required by paragraph (7) (e).

1620 (2) PROVIDER QUALIFICATIONS.—

1621 (a) The department shall annually publish online a list of  
1622 providers approved to offer virtual instruction programs. To be  
1623 approved by the department, a provider must document that it:

1624 1. Is nonsectarian in its programs, admission policies,



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1625 employment practices, and operations;  
1626       2. Complies with the antidiscrimination provisions of s.  
1627 1000.05;  
1628       3. Locates an administrative office or offices in this  
1629 state, requires its administrative staff to be state residents,  
1630 requires all instructional staff to be Florida-certified  
1631 teachers under chapter 1012 and conducts background screenings  
1632 for all employees or contracted personnel, as required by s.  
1633 1012.32, using state and national criminal history records;  
1634       4. Provides to parents and students specific information  
1635 posted and accessible online that includes, but is not limited  
1636 to, the following teacher-parent and teacher-student contact  
1637 information for each course:  
1638       a. How to contact the instructor via phone, e-mail, or  
1639 online messaging tools.  
1640       b. How to contact technical support via phone, e-mail, or  
1641 online messaging tools.  
1642       c. How to contact the administration office via phone, e-  
1643 mail, or online messaging tools.  
1644       d. Any requirement for regular contact with the instructor  
1645 for the course and clear expectations for meeting the  
1646 requirement.  
1647       e. The requirement that the instructor in each course must,  
1648 at a minimum, conduct one contact ~~via phone~~ with the parent and  
1649 the student each month;  
1650       5. Possesses prior, successful experience offering online  
1651 courses to elementary, middle, or high school students as  
1652 demonstrated by quantified student learning gains in each  
1653 subject area and grade level provided for consideration as an

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1654 instructional program option. However, for a provider without  
1655 sufficient prior, successful experience offering online courses,  
1656 the department may conditionally approve the provider to offer  
1657 courses measured pursuant to subparagraph (8) (a)2. Conditional  
1658 approval shall be valid for 1 school year only and, based on the  
1659 provider's experience in offering the courses, the department  
1660 shall determine whether to grant approval to offer a virtual  
1661 instruction program;

1662         6. Is accredited by a regional accrediting association as  
1663 defined by State Board of Education rule;

1664         7. Ensures instructional and curricular quality through a  
1665 detailed curriculum and student performance accountability plan  
1666 that addresses every subject and grade level it intends to  
1667 provide through contract with the school district, including:

1668             a. Courses and programs that meet the standards of the  
1669 International Association for K-12 Online Learning and the  
1670 Southern Regional Education Board.

1671             b. Instructional content and services that align with, and  
1672 measure student attainment of, student proficiency in the Next  
1673 Generation Sunshine State Standards.

1674             c. Mechanisms that determine and ensure that a student has  
1675 satisfied requirements for grade level promotion and high school  
1676 graduation with a standard diploma, as appropriate;

1677         8. Publishes for the general public, in accordance with  
1678 disclosure requirements adopted in rule by the State Board of  
1679 Education, as part of its application as a provider and in all  
1680 contracts negotiated pursuant to this section:

1681             a. Information and data about the curriculum of each full-  
1682 time and part-time program.

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- 1683           b. School policies and procedures.  
1684           c. Certification status and physical location of all  
1685 administrative and instructional personnel.  
1686           d. Hours and times of availability of instructional  
1687 personnel.  
1688           e. Student-teacher ratios.  
1689           f. Student completion and promotion rates.  
1690           g. Student, educator, and school performance accountability  
1691 outcomes;

1692           9. If the provider is a Florida College System institution,  
1693 employs instructors who meet the certification requirements for  
1694 instructional staff under chapter 1012; and

1695           10. Performs an annual financial audit of its accounts and  
1696 records conducted by an independent certified public accountant  
1697 which is in accordance with rules adopted by the Auditor  
1698 General, is conducted in compliance with generally accepted  
1699 auditing standards, and includes a report on financial  
1700 statements presented in accordance with generally accepted  
1701 accounting principles.

1702           Section 8. Subsection (2) of section 1002.455, Florida  
1703 Statutes, is amended to read:

1704           1002.455 Student eligibility for K-12 virtual instruction.-  
1705 All students, including home education and private school  
1706 students, are eligible to participate in any of the following  
1707 virtual instruction options:

1708           (2) Part-time or full-time virtual charter school  
1709 instruction authorized under s. 1002.33 to students within the  
1710 school district or to students in other school districts  
1711 throughout the state pursuant to s. 1002.31.

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1712 Section 9. Section 1003.225, Florida Statutes, is created  
1713 to read:

1714 1003.225 Water safety and swimming certification.-

1715 (1) For the purposes of this section, the term "water  
1716 safety" means age-appropriate education intended to promote  
1717 safety in, on, and around bodies of water and reduce the risk of  
1718 injury or drowning.

1719 (2) Beginning with the 2022-2023 school year, each public  
1720 school shall provide, to a parent who initially enrolls his or  
1721 her child in the school, information on the important role water  
1722 safety education courses and swimming lessons play in saving  
1723 lives. The information must be provided electronically or in  
1724 hard copy and must include local options for age-appropriate  
1725 water safety courses and swimming lessons that result in a  
1726 certificate indicating successful completion, including courses  
1727 and lessons offered for free or at a reduced price. If the  
1728 student is 18 years of age or older, or is under the age of 21  
1729 and is enrolling in adult education classes, the information  
1730 must be provided to the student.

1731 Section 10. Paragraph (a) of subsection (1) of section  
1732 1003.493, Florida Statutes, is amended to read:

1733 1003.493 Career and professional academies and career-  
1734 themed courses.-

1735 (1) (a) A "career and professional academy" is a research-  
1736 based program that integrates a rigorous academic curriculum  
1737 with an industry-specific curriculum aligned directly to  
1738 priority workforce needs established by the local workforce  
1739 development board or the Department of Economic Opportunity.  
1740 Career and professional academies shall be offered by public

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1741 schools and school districts. Career and professional academies  
1742 may be offered by charter schools. The Florida Virtual School is  
1743 encouraged to develop and offer rigorous career and professional  
1744 courses as appropriate. Students completing career and  
1745 professional academy programs must receive a standard high  
1746 school diploma, the highest available industry certification,  
1747 and opportunities to earn postsecondary credit if the academy  
1748 partners with a postsecondary institution approved to operate in  
1749 the state.

1750 Section 11. Paragraph (g) of subsection (2) of section  
1751 1003.621, Florida Statutes, is amended to read:

1752 1003.621 Academically high-performing school districts.—It  
1753 is the intent of the Legislature to recognize and reward school  
1754 districts that demonstrate the ability to consistently maintain  
1755 or improve their high-performing status. The purpose of this  
1756 section is to provide high-performing school districts with  
1757 flexibility in meeting the specific requirements in statute and  
1758 rules of the State Board of Education.

1759 (2) COMPLIANCE WITH STATUTES AND RULES.—Each academically  
1760 high-performing school district shall comply with all of the  
1761 provisions in chapters 1000-1013, and rules of the State Board  
1762 of Education which implement these provisions, pertaining to the  
1763 following:

1764 (g) Those statutes pertaining to planning and budgeting,  
1765 including chapter 1011, except s. 1011.62(9)(d), relating to the  
1766 requirement for a comprehensive reading plan. A district that is  
1767 exempt from submitting a comprehensive reading ~~this~~ plan shall  
1768 be deemed approved to receive the research-based reading  
1769 instruction allocation. Each academically high-performing school

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1770 district may provide up to 2 days of virtual instruction as part  
1771 of the required 180 actual teaching days or the equivalent on an  
1772 hourly basis each school year, as specified by rules of the  
1773 State Board of Education. Virtual instruction that is conducted  
1774 in accordance with the plan approved by the department, is  
1775 teacher-developed, and is aligned with the standards for  
1776 enrolled courses complies with s. 1011.60(2). The day or days  
1777 must be indicated on the calendar approved by the school board.  
1778 The district shall submit a plan for each day of virtual  
1779 instruction to the department for approval, in a format  
1780 prescribed by the department, with assurances of alignment to  
1781 statewide student standards as described in s. 1003.41 before  
1782 the start of each school year.

1783 Section 12. Section 1006.205, Florida Statutes, is created  
1784 to read:

1785 1006.205 Fairness in Women's Sports Act.—

1786 (1) SHORT TITLE.—This section may be cited as the "Fairness  
1787 in Women's Sports Act."

1788 (2) LEGISLATIVE INTENT AND FINDINGS.—

1789 (a) It is the intent of the Legislature to maintain  
1790 opportunities for female athletes to demonstrate their strength,  
1791 skills, and athletic abilities and to provide them with  
1792 opportunities to obtain recognition and accolades, college  
1793 scholarships, and the numerous other long-term benefits that  
1794 result from participating and competing in athletic endeavors.

1795 (b) The Legislature finds that maintaining the fairness for  
1796 women athletic opportunities is an important state interest. The  
1797 Legislature finds that requiring the designation of separate  
1798 sex-specific athletic teams or sports is necessary to maintain

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1799 fairness for women's athletic opportunities.

1800 (3) DESIGNATION OF ATHLETIC TEAMS OR SPORTS.—

1801 (a) Interscholastic, intercollegiate, intramural, or club  
1802 athletic teams or sports that are sponsored by a public  
1803 secondary school or public postsecondary institution must be  
1804 expressly designated as one of the following based on the  
1805 biological sex at birth of team members:

1806 1. Males, men, or boys;

1807 2. Females, women, or girls; or

1808 3. Coed or mixed, including both males and females.

1809 (b) Athletic teams or sports designated for males, men, or  
1810 boys may be open to students of the female sex.

1811 (c) Athletic teams or sports designated for females, women,  
1812 or girls may not be open to students of the male sex.

1813 (d) For purposes of this section, a statement of a  
1814 student's biological sex on the student's official birth  
1815 certificate is considered to have correctly stated the student's  
1816 biological sex at birth if the statement was filed at or near  
1817 the time of the student's birth.

1818 (4) CAUSE OF ACTION; CIVIL REMEDIES.—

1819 (a) Any student who is deprived of an athletic opportunity  
1820 or suffers any direct or indirect harm as a result of a  
1821 violation of this section shall have a private cause of action  
1822 for injunctive relief, damages, and any other relief available  
1823 under law against the school or public postsecondary  
1824 institution.

1825 (b) Any student who is subject to retaliation or other  
1826 adverse action by a school, public postsecondary institution, or  
1827 athletic association or organization as a result of reporting a

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1828 violation of this section to an employee or representative of  
1829 the school, institution, or athletic association or  
1830 organization, or to any state or federal agency with oversight  
1831 of schools or public postsecondary institutions in the state,  
1832 shall have a private cause of action for injunctive relief,  
1833 damages, and any other relief available under law against the  
1834 school, institution, or athletic association or organization.

1835 (c) Any school or public postsecondary institution that  
1836 suffers any direct or indirect harm as a result of a violation  
1837 of this section shall have a private cause of action for  
1838 injunctive relief, damages, and any other relief available under  
1839 law against the governmental entity, licensing or accrediting  
1840 organization, or athletic association or organization.

1841 (d) All civil actions brought under this section must be  
1842 initiated within 2 years after the alleged harm occurred.  
1843 Persons or organizations who prevail on a claim brought under  
1844 this section shall be entitled to monetary damages, including  
1845 for any psychological, emotional, or physical harm suffered,  
1846 reasonable attorney fees and costs, and any other appropriate  
1847 relief.

1848 Section 13. Present subsection (3) of section 1008.3415,  
1849 Florida Statutes, is redesignated as subsection (4), and a new  
1850 subsection (3) is added to that section, to read:

1851 1008.3415 School grade or school improvement rating for  
1852 exceptional student education centers.—

1853 (3) A charter school that is an exceptional student  
1854 education center and that receives two consecutive ratings of  
1855 “maintaining” or higher may replicate its educational program  
1856 under s. 1002.331(3). The Commissioner of Education, upon



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1857 request by a charter school, shall verify that the charter  
1858 school meets the requirements of this subsection and provide a  
1859 letter to the charter school and the sponsor stating that the  
1860 charter school may replicate its educational program in the same  
1861 manner as a high-performing charter school under s. 1002.331(3).

1862 Section 14. Present paragraphs (a) through (d) of  
1863 subsection (6) of section 1009.30, Florida Statutes, as created  
1864 by CS/CS/SB 52, 2021 Regular Session, are redesignated as  
1865 paragraphs (b) through (e), respectively, and a new paragraph  
1866 (a) is added to that section, to read:

1867 1009.30 Dual Enrollment Scholarship Program.—

1868 (6) (a) School district career centers shall be reimbursed  
1869 at the in-state resident tuition rate established in s.  
1870 1009.22(3)(c).

1871 Section 15. Subsection (2) of section 1009.52, Florida  
1872 Statutes, is amended to read:

1873 1009.52 Florida Postsecondary Student Assistance Grant  
1874 Program; eligibility for grants.—

1875 ~~(2) (a)~~ Florida postsecondary student assistance grants may  
1876 be made ~~only to full-time degree-seeking~~ students who meet the  
1877 general requirements for student eligibility as provided in s.  
1878 1009.40, except as otherwise provided in this section. Such  
1879 grants shall be awarded for the amount of demonstrated unmet  
1880 need for tuition and fees and may not exceed the maximum annual  
1881 award amount specified in the General Appropriations Act. A  
1882 demonstrated unmet need of less than \$200 shall render the  
1883 applicant ineligible for a Florida postsecondary student  
1884 assistance grant.

1885 (a) Awards may be made to full-time degree-seeking students

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1886 who ~~Recipients of such grants must~~ have been accepted at a  
1887 postsecondary institution that is located in this state and that  
1888 is:

1889 1. A private nursing diploma school approved by the Florida  
1890 Board of Nursing; or

1891 2. A college or university licensed by the Commission for  
1892 Independent Education, excluding those institutions the students  
1893 of which are eligible to receive a Florida private student  
1894 assistance grant pursuant to s. 1009.51.

1895 (b) Awards may be made to full-time certificate-seeking  
1896 students who have been accepted at an aviation maintenance  
1897 school that is located in this state, certified by the Federal  
1898 Aviation Administration, and licensed by the Commission for  
1899 Independent Education. Such student's eligibility for the  
1900 renewal of an award shall be evaluated at the end of the  
1901 completion of 900 clock hours and, as a condition of renewal,  
1902 the student shall meet the requirements under s. 1009.40(1)(b).

1903 (c) If funds are available, a student who received an award  
1904 in the fall or spring term may receive an award in the summer  
1905 term. Priority in the distribution of summer awards shall be  
1906 given to students who are within one semester, or equivalent, of  
1907 completing a degree or certificate program. No student may  
1908 receive an award for more than the equivalent of 9 semesters or  
1909 14 quarters of full-time enrollment, except as otherwise  
1910 provided in s. 1009.40(3). A student specified in paragraph (b)  
1911 is eligible for an award of up to 110 percent of the number of  
1912 clock hours required to complete the program in which the  
1913 student is enrolled.

1914 (d) ~~(b)~~ A student applying for a Florida postsecondary

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1915 student assistance grant shall be required to apply for the Pell  
1916 Grant. The Pell Grant entitlement shall be considered when  
1917 conducting an assessment of the financial resources available to  
1918 each student.

1919 (e)~~(e)~~ Priority in the distribution of grant moneys may be  
1920 given to students who are within one semester, or equivalent, of  
1921 completing a degree or certificate program. An institution may  
1922 not make a grant from this program to a student whose expected  
1923 family contribution exceeds one and one-half times the maximum  
1924 Pell Grant-eligible family contribution. An institution may not  
1925 impose additional criteria to determine a student's eligibility  
1926 to receive a grant award.

1927 (f)~~(d)~~ Each participating institution shall report to the  
1928 department by the established date the students eligible for the  
1929 program for each academic term. Each institution shall also  
1930 report to the department necessary demographic and eligibility  
1931 data for such students.

1932 Section 16. Subsection (2) of section 1012.32, Florida  
1933 Statutes, is amended to read:

1934 1012.32 Qualifications of personnel.—

1935 (2) (a) Instructional and noninstructional personnel who are  
1936 hired or contracted to fill positions that require direct  
1937 contact with students in any district school system or  
1938 university lab school must, upon employment or engagement to  
1939 provide services, undergo background screening as required under  
1940 s. 1012.465 or s. 1012.56, whichever is applicable.

1941 (b) 1. Instructional and noninstructional personnel who are  
1942 hired or contracted to fill positions in a ~~any~~ charter school  
1943 other than a school of hope as defined in s. 1002.333, and

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1944 members of the governing board of such ~~any~~ charter school, in  
1945 compliance with s. 1002.33(12)(g), ~~must~~, upon employment,  
1946 engagement of services, or appointment, shall undergo background  
1947 screening as required under s. 1012.465 or s. 1012.56, whichever  
1948 is applicable, by filing with the district school board for the  
1949 school district in which the charter school is located a  
1950 complete set of fingerprints taken by an authorized law  
1951 enforcement agency or an employee of the school or school  
1952 district who is trained to take fingerprints.

1953 2. Instructional and noninstructional personnel who are  
1954 hired or contracted to fill positions in a school of hope as  
1955 defined in s. 1002.333, and members of the governing board of  
1956 such school of hope, shall file with the school of hope a  
1957 complete set of fingerprints taken by an authorized law  
1958 enforcement agency, by an employee of the school of hope or  
1959 school district who is trained to take fingerprints, or by any  
1960 other entity recognized by the Department of Law Enforcement to  
1961 take fingerprints.

1962 (c) Instructional and noninstructional personnel who are  
1963 hired or contracted to fill positions that require direct  
1964 contact with students in an alternative school that operates  
1965 under contract with a district school system must, upon  
1966 employment or engagement to provide services, undergo background  
1967 screening as required under s. 1012.465 or s. 1012.56, whichever  
1968 is applicable, by filing with the district school board for the  
1969 school district to which the alternative school is under  
1970 contract a complete set of fingerprints taken by an authorized  
1971 law enforcement agency or an employee of the school or school  
1972 district who is trained to take fingerprints.

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1973 (d) Student teachers and persons participating in a field  
1974 experience pursuant to s. 1004.04(5) or s. 1004.85 in any  
1975 district school system, lab school, or charter school must, upon  
1976 engagement to provide services, undergo background screening as  
1977 required under s. 1012.56.

1978  
1979 Required fingerprints must ~~shall~~ be submitted to the Department  
1980 of Law Enforcement for statewide criminal and juvenile records  
1981 checks and to the Federal Bureau of Investigation for federal  
1982 criminal records checks. A person subject to this subsection who  
1983 is found ineligible for employment under s. 1012.315, or  
1984 otherwise found through background screening to have been  
1985 convicted of any crime involving moral turpitude as defined by  
1986 rule of the State Board of Education, shall not be employed,  
1987 engaged to provide services, or serve in any position that  
1988 requires direct contact with students. Probationary persons  
1989 subject to this subsection terminated because of their criminal  
1990 record have the right to appeal such decisions. The cost of the  
1991 background screening may be borne by the district school board,  
1992 the charter school, the employee, the contractor, or a person  
1993 subject to this subsection. A district school board shall  
1994 reimburse a charter school the cost of background screening if  
1995 it does not notify the charter school of the eligibility of a  
1996 governing board member or instructional or noninstructional  
1997 personnel within the earlier of 14 days after receipt of the  
1998 background screening results from the Florida Department of Law  
1999 Enforcement or 30 days of submission of fingerprints by the  
2000 governing board member or instructional or noninstructional  
2001 personnel.

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2002 Section 17. Paragraph (a) of subsection (1) of section  
2003 1013.62, Florida Statutes, is amended to read:

2004 1013.62 Charter schools capital outlay funding.—

2005 (1) For the 2020-2021 fiscal year, charter school capital  
2006 outlay funding shall consist of state funds appropriated in the  
2007 2020-2021 General Appropriations Act. Beginning in fiscal year  
2008 2021-2022, charter school capital outlay funding shall consist  
2009 of state funds when such funds are appropriated in the General  
2010 Appropriations Act and revenue resulting from the discretionary  
2011 millage authorized in s. 1011.71(2) if the amount of state funds  
2012 appropriated for charter school capital outlay in any fiscal  
2013 year is less than the average charter school capital outlay  
2014 funds per unweighted full-time equivalent student for the 2018-  
2015 2019 fiscal year, multiplied by the estimated number of charter  
2016 school students for the applicable fiscal year, and adjusted by  
2017 changes in the Consumer Price Index issued by the United States  
2018 Department of Labor from the previous fiscal year. Nothing in  
2019 this subsection prohibits a school district from distributing to  
2020 charter schools funds resulting from the discretionary millage  
2021 authorized in s. 1011.71(2).

2022 (a) To be eligible to receive capital outlay funds, a  
2023 charter school must:

2024 1.a. Have been in operation for 2 or more years;

2025 b. Be governed by a governing board established in the  
2026 state for 2 or more years which operates both charter schools  
2027 and conversion charter schools within the state;

2028 c. Be an expanded feeder chain of a charter school within  
2029 the same school district that is currently receiving charter  
2030 school capital outlay funds;

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2031 d. Have been accredited by a regional accrediting  
2032 association as defined by State Board of Education rule; ~~or~~

2033 e. Serve students in facilities that are provided by a  
2034 business partner for a charter school-in-the-workplace pursuant  
2035 to s. 1002.33(15) (b); or

2036 f. Be operated by a hope operator pursuant to s. 1002.333.

2037 2. Have an annual audit that does not reveal any of the  
2038 financial emergency conditions provided in s. 218.503(1) for the  
2039 most recent fiscal year for which such audit results are  
2040 available.

2041 3. Have satisfactory student achievement based on state  
2042 accountability standards applicable to the charter school.

2043 4. Have received final approval from its sponsor pursuant  
2044 to s. 1002.33 for operation during that fiscal year.

2045 5. Serve students in facilities that are not provided by the  
2046 charter school's sponsor.

2047 Section 18. (1) Notwithstanding s. 1008.25, Florida  
2048 Statutes, a parent or guardian may request that his or her K-5  
2049 public school student be retained for the 2021-2022 school year  
2050 in the grade level to which the student was assigned at the  
2051 beginning of the 2020-2021 school year, provided that such  
2052 request is made for academic reasons.

2053 (a) A parent or guardian who wishes for his or her student  
2054 to be retained as provided by this act must submit, in writing,  
2055 to the school principal a retention request that specifies the  
2056 academic reasons for the retention. Only requests received by  
2057 the principal on or before June 30, 2021, must be considered. A  
2058 principal may consider a request received after that date at his  
2059 or her discretion.

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2060           (b)1. A principal who considers a retention request  
2061 submitted pursuant to this subsection shall inform the student's  
2062 teachers of the retention request and collaboratively discuss  
2063 with the parent or guardian any basis for agreement or  
2064 disagreement with the request. As part of the discussion with  
2065 the parent or guardian, the principal shall disclose that  
2066 retention may impact the student's eligibility to participate in  
2067 high school interscholastic or intrascholastic sports due to the  
2068 student's age.

2069           2. In lieu of retention, the principal, teachers, and  
2070 parent or guardian may collaborate to develop a customized 1-  
2071 year education plan for the student with the intent of helping  
2072 the student return to grade level readiness by the end of the  
2073 next academic year. Such plan may include, but need not be  
2074 limited to, supplemental educational support, services, and  
2075 interventions; summer education; promotion in some, but not all,  
2076 courses; and midyear promotion.

2077           3. The parent's or guardian's decision to promote or retain  
2078 his or her student after discussing the retention request with  
2079 the principal shall control. The parent or guardian must sign a  
2080 form provided by the principal indicating the parent or  
2081 guardian's decision and acknowledging the academic and athletic  
2082 ramifications of his or her decision. This form must be retained  
2083 in the student's record.

2084           (c) If a student retained under this subsection has an  
2085 individual education plan (IEP) in effect, the student's IEP  
2086 team must convene to review and revise the student's IEP, as  
2087 appropriate.

2088           (d) By June 30, 2022, school districts shall report to the



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2089 Department of Education the number of students retained pursuant  
2090 to this act for all or part of the 2021-2022 school year.

2091 (2) This section shall take effect upon becoming a law.

2092 Section 19. If any provision of this act or its application  
2093 to any person or circumstance is held invalid, the invalidity  
2094 does not affect other provisions or applications of the act  
2095 which can be given effect without the invalid provision or  
2096 application, and to this end the provisions of this act are  
2097 severable.

2098 Section 20. Effective upon this act becoming a law, section  
2099 3 of chapter 2020-28, Laws of Florida, is amended to read:

2100 Section 3. This act shall take effect July 1, ~~2022~~ 2021.

2101 Section 21. The amendment of s. 1009.30, Florida Statutes,  
2102 by this act shall take effect only if CS/CS/SB 52, 2021 Regular  
2103 Session, or similar legislation takes effect and if such  
2104 legislation is adopted in the same legislative session or an  
2105 extension thereof and becomes a law.

2106 Section 22. Except as otherwise expressly provided in this  
2107 act and except for this section, which shall take effect upon  
2108 becoming a law, this act shall take effect July 1, 2021.