

1 A bill to be entitled
2 An act relating to schools of hope; amending s.
3 218.39, F.S.; adding certain hope operators to the
4 list of entities required to perform an annual
5 financial audit; amending s. 1002.333, F.S.; revising
6 the definition of "persistently low-performing school"
7 to specify that a certain provision only applies to
8 years in which the school received a grade; providing
9 that certain schools of hope report students to the
10 department in a specified manner; specifying reporting
11 provisions that only apply to certain schools of hope;
12 revising provisions related to financial statements to
13 apply to a hope operator; revising provisions related
14 to the list of specified facilities; revising the date
15 such list is due; revising the entities that provides
16 and receive such list; providing how errors on the
17 list may be corrected; revising the length of time
18 certain funds may be carried forward; amending s.
19 1012.32, F.S.; requiring certain school of hope
20 personnel to undergo background screening; providing
21 how such screening may be completed; amending s.
22 1013.62, F.S.; providing that schools of hope are
23 eligible to receive certain funds; providing an
24 effective date.
25

26 | Be It Enacted by the Legislature of the State of Florida:

27 |

28 | Section 1. Subsections (1), (5), and (6), paragraph (b) of
29 | subsection (8), and subsection (10) of section 218.39, Florida
30 | Statutes, are amended to read:

31 | 218.39 Annual financial audit reports.—

32 | (1) If, by the first day in any fiscal year, a local
33 | governmental entity, district school board, charter school, hope
34 | operator, or charter technical career center has not been
35 | notified that a financial audit for that fiscal year will be
36 | performed by the Auditor General, each of the following entities
37 | shall have an annual financial audit of its accounts and records
38 | completed within 9 months after the end of its fiscal year by an
39 | independent certified public accountant retained by it and paid
40 | from its public funds:

41 | (a) Each county.

42 | (b) Any municipality with revenues or the total of
43 | expenditures and expenses in excess of \$250,000, as reported on
44 | the fund financial statements.

45 | (c) Any special district with revenues or the total of
46 | expenditures and expenses in excess of \$100,000, as reported on
47 | the fund financial statements.

48 | (d) Each district school board.

49 | (e) Each charter school established under s. 1002.33.

50 | (f) Each charter technical center established under s.

51 1002.34.

52 (g) Each municipality with revenues or the total of
53 expenditures and expenses between \$100,000 and \$250,000, as
54 reported on the fund financial statements, which has not been
55 subject to a financial audit pursuant to this subsection for the
56 2 preceding fiscal years.

57 (h) Each special district with revenues or the total of
58 expenditures and expenses between \$50,000 and \$100,000, as
59 reported on the fund financial statement, which has not been
60 subject to a financial audit pursuant to this subsection for the
61 2 preceding fiscal years.

62 (i) Each hope operator, as defined in s. 1002.333,
63 currently operating at least one school of hope.

64 (5) At the conclusion of the audit, the auditor shall
65 discuss with the chair of the governing body of the local
66 governmental entity or the chair's designee, the elected
67 official of each county agency or the elected official's
68 designee, the chair of the district school board or the chair's
69 designee, the chair of the board of the charter school or the
70 chair's designee, the chair of the board of the hope operator or
71 the chair's designee, or the chair of the board of the charter
72 technical career center or the chair's designee, as appropriate,
73 all of the auditor's comments that will be included in the audit
74 report. If the officer is not available to discuss the auditor's
75 comments, their discussion is presumed when the comments are

76 delivered in writing to his or her office. The auditor shall
77 notify each member of the governing body of a local governmental
78 entity, district school board, charter school, hope operator, or
79 charter technical career center for which:

80 (a) Deteriorating financial conditions exist that may
81 cause a condition described in s. 218.503(1) to occur if actions
82 are not taken to address such conditions.

83 (b) A fund balance deficit in total or a deficit for that
84 portion of a fund balance not classified as restricted,
85 committed, or nonspendable, or a total or unrestricted net
86 assets deficit, as reported on the fund financial statements of
87 entities required to report under governmental financial
88 reporting standards or on the basic financial statements of
89 entities required to report under not-for-profit financial
90 reporting standards, for which sufficient resources of the local
91 governmental entity, charter school, hope operator, charter
92 technical career center, or district school board, as reported
93 on the fund financial statements, are not available to cover the
94 deficit. Resources available to cover reported deficits include
95 fund balance or net assets that are not otherwise restricted by
96 federal, state, or local laws, bond covenants, contractual
97 agreements, or other legal constraints. Property, plant, and
98 equipment, the disposal of which would impair the ability of a
99 local governmental entity, charter school, charter technical
100 career center, hope operator, or district school board to carry

101 out its functions, are not considered resources available to
102 cover reported deficits.

103 (6) The officer's written statement of explanation or
104 rebuttal concerning the auditor's findings, including corrective
105 action to be taken, must be filed with the governing body of the
106 local governmental entity, district school board, charter
107 school, hope operator, or charter technical career center within
108 30 days after the delivery of the auditor's findings.

109 (8) The Auditor General shall notify the Legislative
110 Auditing Committee of any audit report prepared pursuant to this
111 section which indicates that an audited entity has failed to
112 take full corrective action in response to a recommendation that
113 was included in the two preceding financial audit reports.

114 (b) If the committee determines that the written statement
115 is not sufficient, it may require the chair of the governing
116 body of the local governmental entity or the chair's designee,
117 the elected official of each county agency or the elected
118 official's designee, the chair of the district school board or
119 the chair's designee, the chair of the board of the charter
120 school or the chair's designee, the chair of the hope operator
121 or the chair's designee, or the chair of the board of the
122 charter technical career center or the chair's designee, as
123 appropriate, to appear before the committee.

124 (10) Each charter school, hope operator, and charter
125 technical career center must file a copy of its audit report

126 with the sponsoring entity; the local district school board, if
127 not the sponsoring entity; the Auditor General; and with the
128 Department of Education.

129 Section 2. Paragraph (c) of subsection (1), paragraphs
130 (a), (g), and (h) of subsection (6), paragraph (d) of subsection
131 (7), and paragraph (b) of subsection (10) of section 1002.333,
132 Florida Statutes, are amended to read:

133 1002.333 Persistently low-performing schools.—

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

135 (c) "Persistently low-performing school" means a school
136 that has earned three grades lower than a "C," pursuant to s.
137 1008.34, in at least 3 of the previous 5 years in which the
138 school received a grade and has not earned a grade of "B" or
139 higher in the most recent 2 school years, and a school that was
140 closed pursuant to s. 1008.33(4) within 2 years after the
141 submission of a notice of intent.

142 (6) STATUTORY AUTHORITY.—

143 (a) A school of hope may be designated as a local
144 education agency, if requested, for the purposes of receiving
145 federal funds and, in doing so, accepts the full responsibility
146 for all local education agency requirements and the schools for
147 which it will perform local education agency responsibilities.

148 1. A school of hope that has been designated as a local
149 education agency may report its students to the department in
150 accordance with the definitions in s. 1011.61 and pursuant to

151 the department's procedures and timelines.

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

156 (g) A ~~Each~~ school of hope that has not been designated as
157 a local education agency shall report its students to the school
158 district as required in s. 1011.62, and in accordance with the
159 definitions in s. 1011.61. The school district shall include
160 each charter school's enrollment in the district's report of
161 student enrollment. All charter schools submitting student
162 record information required by the department shall comply with
163 the department's guidelines for electronic data formats for such
164 data, and all districts shall accept electronic data that
165 complies with the department's electronic format.

166 (h) A ~~school of hope~~ operator shall provide the school
167 district with a concise, uniform, quarterly financial statement
168 summary sheet that contains a balance sheet and a statement of
169 revenue, expenditures, and changes in fund balance. The balance
170 sheet and the statement of revenue, expenditures, and changes in
171 fund balance shall be in the governmental fund format prescribed
172 by the Governmental Accounting Standards Board. Additionally, a
173 ~~school of hope~~ operator shall comply with the annual audit
174 requirement for charter schools in s. 218.39.

175 (7) FACILITIES.—

176 (d) No later than January ~~October~~ 1, the department ~~each~~
177 ~~school district~~ shall annually provide to the school districts
178 ~~Department of Education~~ a list of all underused, vacant, or
179 surplus facilities owned or operated by the school district as
180 reported in the Florida Inventory of School Houses. A school
181 district may provide evidence to the department within 30 days
182 that the list contains errors or omissions. No later than April
183 1, annually, the department shall update and publish a final
184 list of all underused, vacant, or surplus facilities owned or
185 operated by each school district, based upon the updated
186 information provided by each school district. A hope operator
187 establishing a school of hope may use an educational facility
188 identified in this paragraph at no cost or at a mutually
189 agreeable cost not to exceed \$600 per student. A hope operator
190 using a facility pursuant to this paragraph may not sell or
191 dispose of such facility without the written permission of the
192 school district. For purposes of this paragraph, the term
193 "underused, vacant, or surplus facility" means an entire
194 facility or portion thereof which is not fully used or is used
195 irregularly or intermittently by the school district for
196 instructional or program use.

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

199 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
200 funds allocated for the purpose of this subsection which are not

201 disbursed by June 30 of the fiscal year in which the funds are
202 allocated may be carried forward for up to 7 ~~5~~ years after the
203 effective date of the original appropriation.

204 Section 3. Paragraphs (c) and (d) of subsection (2) of
205 section 1012.32, Florida Statutes, are redesignated as
206 paragraphs (d) and (e), respectively, and a new paragraph (c) is
207 added to that subsection, to read:

208 1012.32 Qualifications of personnel.-

209 (2)

210 (c) Instructional and noninstructional personnel who are
211 hired or contracted to fill positions in any school of hope
212 charter school under s. 1002.333, must, upon employment,
213 engagement of services, or appointment, undergo background
214 screening pursuant to s. 1012.465 or s. 1012.56, whichever is
215 applicable. Such screening may be completed by filing with the
216 charter school a complete set of fingerprints taken by an
217 authorized law enforcement agency, an employee of the school or
218 school district who is trained to take fingerprints, or by any
219 other entity authorized by s. 943.053(13).

220
221 Fingerprints shall be submitted to the Department of Law
222 Enforcement for statewide criminal and juvenile records checks
223 and to the Federal Bureau of Investigation for federal criminal
224 records checks. A person subject to this subsection who is found
225 ineligible for employment under s. 1012.315, or otherwise found

226 through background screening to have been convicted of any crime
227 involving moral turpitude as defined by rule of the State Board
228 of Education, shall not be employed, engaged to provide
229 services, or serve in any position that requires direct contact
230 with students. Probationary persons subject to this subsection
231 terminated because of their criminal record have the right to
232 appeal such decisions. The cost of the background screening may
233 be borne by the district school board, the charter school, the
234 employee, the contractor, or a person subject to this
235 subsection. A district school board shall reimburse a charter
236 school the cost of background screening if it does not notify
237 the charter school of the eligibility of a governing board
238 member or instructional or noninstructional personnel within the
239 earlier of 14 days after receipt of the background screening
240 results from the Florida Department of Law Enforcement or 30
241 days of submission of fingerprints by the governing board member
242 or instructional or noninstructional personnel.

243 Section 4. Paragraph (a) of subsection (1) of section
244 1013.62, Florida Statutes, is amended to read:

245 1013.62 Charter schools capital outlay funding.—

246 (1) For the 2020-2021 fiscal year, charter school capital
247 outlay funding shall consist of state funds appropriated in the
248 2020-2021 General Appropriations Act. Beginning in fiscal year
249 2021-2022, charter school capital outlay funding shall consist
250 of state funds when such funds are appropriated in the General

251 Appropriations Act and revenue resulting from the discretionary
252 millage authorized in s. 1011.71(2) if the amount of state funds
253 appropriated for charter school capital outlay in any fiscal
254 year is less than the average charter school capital outlay
255 funds per unweighted full-time equivalent student for the 2018-
256 2019 fiscal year, multiplied by the estimated number of charter
257 school students for the applicable fiscal year, and adjusted by
258 changes in the Consumer Price Index issued by the United States
259 Department of Labor from the previous fiscal year. Nothing in
260 this subsection prohibits a school district from distributing to
261 charter schools funds resulting from the discretionary millage
262 authorized in s. 1011.71(2).

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

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

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

269 c. Be an expanded feeder chain of a charter school within
270 the same school district that is currently receiving charter
271 school capital outlay funds;

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

274 e. Be operated as a school of hope by an operator as
275 defined in s. 1002.333; or

276 f. Serve students in facilities that are provided by a
277 business partner for a charter school-in-the-workplace pursuant
278 to s. 1002.33(15) (b) .

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

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

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

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

289 Section 5. This act shall take effect July 1, 2021.