

By Senator Diaz

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1 A bill to be entitled
2 An act relating to education; creating s. 1002.3301,
3 F.S.; establishing the Charter School Review
4 Commission within the Department of Education;
5 providing the purpose of the commission; specifying
6 membership of the commission and the duration of
7 members' terms; requiring the Commissioner of
8 Education to appoint members; providing that a
9 majority of the commission members constitutes a
10 quorum; providing that the commission has the same
11 powers and duties as sponsors do in reviewing and
12 approving charter schools; designating the district
13 school board where a proposed charter school will be
14 located as the school's sponsor and supervisor;
15 requiring a district school board to take specified
16 actions within a certain timeframe regarding the
17 commission's granting of a charter school application;
18 providing for the appeal of commission decisions;
19 amending s. 1002.33, F.S.; providing legislative
20 intent; authorizing the commission to solicit and
21 review charter school applications; requiring that the
22 district school board that oversees the school
23 district where a charter school approved by the
24 commission will be located shall serve as the charter
25 school's sponsor; prohibiting sponsors from imposing
26 additional reporting requirements on a charter school
27 so long as the charter school meets specified
28 requirements; revising the terms and conditions for
29 charter renewal; revising the procedure and causes for

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30 nonrenewal or termination of a charter; providing that
31 any facility may provide space to charter schools
32 under its existing zoning and land use designations
33 without obtaining a special exception, rezoning, or a
34 land use change; requiring that educational impact
35 fees required to be paid in connection with new
36 residential dwelling units be designated instead for
37 the construction of charter school facilities;
38 amending s. 1011.71, F.S.; providing that certain
39 additional tax millage is part of school districts'
40 operating discretionary millage levy; providing an
41 effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Section 1002.3301, Florida Statutes, is created
46 to read:

47 1002.3301 Charter School Review Commission.—The Charter
48 School Review Commission is created within the Department of
49 Education to review and approve applications for charter schools
50 overseen by district school boards.

51 (1) The commission shall consist of seven members who have
52 charter school experience, selected by the Commissioner of
53 Education and subject to confirmation by the Senate. The
54 commissioner shall designate one member as the chair. Each
55 member shall be appointed to a 4-year term. However, for the
56 purpose of achieving staggered terms, of the initial
57 appointments, three members shall be appointed to 2-year terms
58 and four members shall be appointed to 4-year terms. All

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59 subsequent appointments shall be for 4-year terms. A majority of
60 the members of the commission constitutes a quorum.

61 (2) The commission has the same powers and duties as
62 sponsors pursuant to s. 1002.33 in regard to reviewing and
63 approving charter schools.

64 (3) The district school board of the school district where
65 the proposed charter school will be located shall be the sponsor
66 of and supervisor for the new charter school and shall provide
67 an initial proposed charter contract to the charter school
68 pursuant to s. 1002.33(7)(b) within 30 calendar days after the
69 commission's decision granting an application.

70 (4) The decisions of the commission may be appealed in
71 accordance with s. 1002.33(6)(c).

72 Section 2. Subsection (2), paragraphs (a) and (b) of
73 subsection (5), paragraph (c) of subsection (7), paragraph (a)
74 of subsection (8), and paragraphs (c) and (f) of subsection (18)
75 of section 1002.33, Florida Statutes, are amended, to read:

76 1002.33 Charter schools.—

77 (2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

78 (a) Charter schools in Florida shall be guided by the
79 following principles:

80 1. Meet high standards of student achievement while
81 providing parents flexibility to choose among diverse
82 educational opportunities within this ~~the~~ state's public school
83 system.

84 2. Promote enhanced academic success and financial
85 efficiency by aligning responsibility with accountability.

86 3. Provide parents with sufficient information on whether
87 their child is reading at grade level and whether the child

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88 gains at least a year's worth of learning for every year spent
89 in the charter school.

90 (b) Charter schools shall fulfill the following purposes:

- 91 1. Improve student learning and academic achievement.
- 92 2. Increase learning opportunities for all students, with
93 special emphasis on low-performing students and reading.
- 94 3. Encourage the use of innovative learning methods.
- 95 4. Require the measurement of learning outcomes.

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

- 97 1. Create innovative measurement tools.
- 98 2. Provide rigorous competition within the public school
99 system to stimulate continual improvement in all public schools.
- 100 3. Expand the capacity of the public school system.
- 101 4. Mitigate the educational impact created by the
102 development of new residential dwelling units.
- 103 5. Create new professional opportunities for teachers,
104 including ownership of the learning program at the school site.

105 (d) It is the intent of the Legislature that charter school
106 students be considered as important as all other students in
107 this state and, to that end, comparable funding levels from
108 existing and future sources should be maintained for charter
109 school students.

110 (5) SPONSOR; DUTIES.—

111 (a) *Sponsoring entities.*—

112 1. A district school board may sponsor a charter school in
113 the county over which the district school board has
114 jurisdiction.

115 2. A state university may grant a charter to a lab school
116 created under s. 1002.32 and shall be considered to be the

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

119 3. Because needs relating to educational capacity,
120 workforce qualifications, and career education opportunities are
121 constantly changing and extend beyond school district
122 boundaries:

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

127 b. A Florida College System institution may, upon approval
128 by the Department of Education, solicit applications and sponsor
129 a charter school in any county within its service area to meet
130 workforce demands and may offer postsecondary programs leading
131 to industry certifications to eligible charter school students.
132 A charter school established under subparagraph (b)4. may not be
133 sponsored by a Florida College System institution until its
134 existing charter with the school district expires as provided
135 under subsection (7).

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

139 d. The Charter School Review Commission, as authorized
140 under s. 1002.3301, may solicit and review applications for
141 charter schools overseen by district school boards, and upon the
142 commission approving an application, the district school board
143 that oversees the school district where the charter school will
144 be located shall serve as sponsor.

145 (b) *Sponsor duties.*—

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146 1.a. The sponsor shall monitor and review the charter
147 school in its progress toward the goals established in the
148 charter.

149 b. The sponsor shall monitor the revenues and expenditures
150 of the charter school and perform the duties provided in s.
151 1002.345.

152 c. The sponsor may approve a charter for a charter school
153 before the applicant has identified space, equipment, or
154 personnel, if the applicant indicates approval is necessary for
155 it to raise working funds.

156 d. The sponsor may ~~shall~~ not apply its policies to a
157 charter school unless mutually agreed to by both the sponsor and
158 the charter school. If the sponsor subsequently amends any
159 agreed-upon sponsor policy, the version of the policy in effect
160 at the time of the execution of the charter, or any subsequent
161 modification thereof, shall remain in effect and the sponsor may
162 not hold the charter school responsible for any provision of a
163 newly revised policy until the revised policy is mutually agreed
164 upon.

165 e. The sponsor shall ensure that the charter is innovative
166 and consistent with the state education goals established by s.
167 1000.03(5).

168 f. The sponsor shall ensure that the charter school
169 participates in the state's education accountability system. If
170 a charter school falls short of performance measures included in
171 the approved charter, the sponsor shall report such shortcomings
172 to the Department of Education.

173 g. The sponsor is ~~shall~~ not be liable for civil damages
174 under state law for personal injury, property damage, or death

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175 resulting from an act or omission of an officer, employee,
176 agent, or governing body of the charter school.

177 h. The sponsor is ~~shall~~ not be liable for civil damages
178 under state law for any employment actions taken by an officer,
179 employee, agent, or governing body of the charter school.

180 i. The sponsor's duties to monitor the charter school do
181 ~~shall~~ not constitute the basis for a private cause of action.

182 j. The sponsor may ~~shall~~ not impose additional reporting
183 requirements on a charter school as long as the charter school
184 has not been identified as having a deteriorating financial
185 condition or financial emergency pursuant to s. 1002.345 ~~without~~
186 ~~providing reasonable and specific justification in writing to~~
187 ~~the charter school.~~

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

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

192 (A) The number of applications received during the school
193 year and up to August 1 and each applicant's contact
194 information.

195 (B) The date each application was approved, denied, or
196 withdrawn.

197 (C) The date each final contract was executed.

198 (II) Annually, by November 1, the sponsor shall submit to
199 the department the information for the applications submitted
200 the previous year.

201 (III) The department shall compile an annual report, by
202 sponsor, and post the report on its website by January 15 of
203 each year.

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204 2. Immunity for the sponsor of a charter school under
205 subparagraph 1. applies only with respect to acts or omissions
206 not under the sponsor's direct authority as described in this
207 section.

208 3. This paragraph does not waive a sponsor's sovereign
209 immunity.

210 4. A Florida College System institution may work with the
211 school district or school districts in its designated service
212 area to develop charter schools that offer secondary education.
213 These charter schools must include an option for students to
214 receive an associate degree upon high school graduation. If a
215 Florida College System institution operates an approved teacher
216 preparation program under s. 1004.04 or s. 1004.85, the
217 institution may operate charter schools that serve students in
218 kindergarten through grade 12 in any school district within the
219 service area of the institution. District school boards shall
220 cooperate with and assist the Florida College System institution
221 on the charter application. Florida College System institution
222 applications for charter schools are not subject to the time
223 deadlines outlined in subsection (6) and may be approved by the
224 district school board at any time during the year. Florida
225 College System institutions may not report FTE for any students
226 participating under this subparagraph who receive FTE funding
227 through the Florida Education Finance Program.

228 5. For purposes of assisting the development of a charter
229 school, a school district may enter into nonexclusive interlocal
230 agreements with federal and state agencies, counties,
231 municipalities, and other governmental entities that operate
232 within the geographical borders of the school district to act on

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233 behalf of such governmental entities in the inspection,
234 issuance, and other necessary activities for all necessary
235 permits, licenses, and other permissions that a charter school
236 needs in order for development, construction, or operation. A
237 charter school may use, but may not be required to use, a school
238 district for these services. The interlocal agreement must
239 include, but need not be limited to, the identification of fees
240 that charter schools will be charged for such services. The fees
241 must consist of the governmental entity's fees plus a fee for
242 the school district to recover no more than actual costs for
243 providing such services. These services and fees are not
244 included within the services to be provided pursuant to
245 subsection (20). Notwithstanding any other provision of law, an
246 interlocal agreement between a school district and a federal or
247 state agency, county, municipality, or other governmental entity
248 which prohibits or limits the creation of a charter school
249 within the geographic borders of the school district is void and
250 unenforceable.

251 6. The board of trustees of a sponsoring state university
252 or Florida College System institution under paragraph (a) is the
253 local educational agency for all charter schools it sponsors for
254 purposes of receiving federal funds and accepts full
255 responsibility for all local educational agency requirements and
256 the schools for which it will perform local educational agency
257 responsibilities. A student enrolled in a charter school that is
258 sponsored by a state university or Florida College System
259 institution may not be included in the calculation of the school
260 district's grade under s. 1008.34(5) for the school district in
261 which he or she resides.

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262 (7) CHARTER.—The terms and conditions for the operation of
263 a charter school shall be set forth by the sponsor and the
264 applicant in a written contractual agreement, called a charter.
265 The sponsor and the governing board of the charter school shall
266 use the standard charter contract pursuant to subsection (21),
267 which shall incorporate the approved application and any addenda
268 approved with the application. Any term or condition of a
269 proposed charter contract that differs from the standard charter
270 contract adopted by rule of the State Board of Education shall
271 be presumed a limitation on charter school flexibility. The
272 sponsor may not impose unreasonable rules or regulations that
273 violate the intent of giving charter schools greater flexibility
274 to meet educational goals. The charter shall be signed by the
275 governing board of the charter school and the sponsor, following
276 a public hearing to ensure community input.

277 (c)1. A charter may be renewed provided that a program
278 review demonstrates that the criteria in paragraph (a) have been
279 successfully accomplished and that none of the grounds for
280 nonrenewal established by paragraph (8) (a) has been expressly
281 found documented. The charter of a charter school that meets
282 these requirements and has received a school grade lower than a
283 “B” pursuant to s. 1008.34 in the most recently graded school
284 year must be renewed for no less than a 5-year term except as
285 provided in paragraph (9) (n). In order to facilitate long-term
286 financing for charter school construction, charter schools
287 operating for a minimum of 3 years and demonstrating exemplary
288 academic programming and fiscal management are eligible for a
289 15-year charter renewal. Such long-term charter is subject to
290 annual review and may be terminated during the term of the

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291 charter.

292 2. The 15-year charter renewal that may be granted pursuant
 293 to subparagraph 1. must ~~shall~~ be granted to a charter school
 294 that has received a school grade of "A" or "B" pursuant to s.
 295 1008.34 in the most recently graded school year 3 of the past 4
 296 ~~years~~ and that is not in a state of financial emergency or
 297 deficit position as defined by this section. Such long-term
 298 charter is subject to annual review and may be terminated during
 299 the term of the charter pursuant to subsection (8).

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

301 (a) The sponsor shall make student academic achievement for
 302 all students the most important factor when determining whether
 303 to renew or terminate the charter. The sponsor may ~~also~~ choose
 304 not to renew or may terminate the charter only if the sponsor
 305 expressly finds that one of the grounds set forth below exists
 306 by clear and convincing evidence:

307 1. Failure to participate in the state's education
 308 accountability system created in s. 1008.31, as required in this
 309 section, or failure to meet the requirements for student
 310 performance stated in the charter.

311 2. Failure to meet generally accepted standards of fiscal
 312 management due to deteriorating financial conditions or
 313 financial emergencies determined pursuant to s. 1002.345.

314 3. Material violation of law.

315 ~~4. Other good cause shown.~~

316 (18) FACILITIES.—

317 (c) Any facility, or portion thereof, used to house a
 318 charter school whose charter has been approved by the sponsor
 319 and the governing board, pursuant to subsection (7), is ~~shall be~~

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320 exempt from ad valorem taxes pursuant to s. 196.1983 and-
321 ~~Library, community service, museum, performing arts, theatre,~~
322 ~~cinema, church, Florida College System institution, college, and~~
323 ~~university facilities~~ may provide space to charter schools
324 ~~within their facilities~~ under the facility's existing ~~their~~
325 ~~preexisting~~ zoning and land use designations without obtaining a
326 special exception, rezoning, or a land use change.

327 (f) To the extent that charter school facilities are
328 specifically created to mitigate the educational impact created
329 by the development of new residential dwelling units, pursuant
330 to subparagraph (2)(c)4., ~~some of or~~ all of the educational
331 impact fees required to be paid in connection with the new
332 residential dwelling units must ~~may~~ be designated instead for
333 the construction of the charter school facilities that will
334 mitigate the student station impact. Such facilities shall be
335 built to the State Requirements for Educational Facilities and
336 shall be owned by a public or nonprofit entity. The local school
337 district retains the right to monitor and inspect such
338 facilities to ensure compliance with the State Requirements for
339 Educational Facilities. If a facility ceases to be used for
340 public educational purposes, either the facility shall revert to
341 the school district subject to any debt owed on the facility, or
342 the owner of the facility shall have the option to refund all
343 educational impact fees utilized for the facility to the school
344 district. The district and the owner of the facility may
345 contractually agree to another arrangement for the facilities if
346 the facilities cease to be used for educational purposes. The
347 owner of property planned or approved for new residential
348 dwelling units and the entity levying educational impact fees

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349 shall enter into an agreement that designates the educational
350 impact fees that will be allocated for the charter school
351 student stations and that ensures the timely construction of the
352 charter school student stations concurrent with the expected
353 occupancy of the residential units. The application for use of
354 educational impact fees shall include an approved charter school
355 application. To assist the school district in forecasting
356 student station needs, the entity levying the impact fees shall
357 notify the affected district of any agreements it has approved
358 for the purpose of mitigating student station impact from the
359 new residential dwelling units.

360 Section 3. Subsection (2) of section 1011.71, Florida
361 Statutes, is amended to read:

362 1011.71 District school tax.—

363 (2) In addition to the maximum millage levy as provided in
364 subsection (1), each school board may levy not more than 1.5
365 mills against the taxable value for school purposes for charter
366 schools pursuant to s. 1013.62(1) and (3) and for district
367 schools. This millage is part of the school district's operating
368 discretionary millage levy and may be used to fund:

369 (a) New construction, remodeling projects, sites and site
370 improvement or expansion to new sites, existing sites, auxiliary
371 facilities, athletic facilities, or ancillary facilities.

372 (b) Maintenance, renovation, and repair of existing school
373 plants or of leased facilities to correct deficiencies pursuant
374 to s. 1013.15(2).

375 (c) The purchase, lease-purchase, or lease of school buses.

376 (d) The purchase, lease-purchase, or lease of new and
377 replacement equipment; computer and device hardware and

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378 operating system software necessary for gaining access to or
379 enhancing the use of electronic and digital instructional
380 content and resources; and enterprise resource software
381 applications that are classified as capital assets in accordance
382 with definitions of the Governmental Accounting Standards Board,
383 have a useful life of at least 5 years, and are used to support
384 districtwide administration or state-mandated reporting
385 requirements. Enterprise resource software may be acquired by
386 annual license fees, maintenance fees, or lease agreements.

387 (e) Payments for educational facilities and sites due under
388 a lease-purchase agreement entered into by a district school
389 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not
390 exceeding, in the aggregate, an amount equal to three-fourths of
391 the proceeds from the millage levied by a district school board
392 pursuant to this subsection. The three-fourths limit is waived
393 for lease-purchase agreements entered into before June 30, 2009,
394 by a district school board pursuant to this paragraph. If
395 payments under lease-purchase agreements in the aggregate,
396 including lease-purchase agreements entered into before June 30,
397 2009, exceed three-fourths of the proceeds from the millage
398 levied pursuant to this subsection, the district school board
399 may not withhold the administrative fees authorized by s.
400 1002.33(20) from any charter school operating in the school
401 district.

402 (f) Payment of loans approved pursuant to ss. 1011.14 and
403 1011.15.

404 (g) Payment of costs directly related to complying with
405 state and federal environmental statutes, rules, and regulations
406 governing school facilities.

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407 (h) Payment of costs of leasing relocatable educational
408 facilities, of renting or leasing educational facilities and
409 sites pursuant to s. 1013.15(2), or of renting or leasing
410 buildings or space within existing buildings pursuant to s.
411 1013.15(4).

412 (i) Payment of the cost of school buses when a school
413 district contracts with a private entity to provide student
414 transportation services if the district meets the requirements
415 of this paragraph.

416 1. The district's contract must require that the private
417 entity purchase, lease-purchase, or lease, and operate and
418 maintain, one or more school buses of a specific type and size
419 that meet the requirements of s. 1006.25.

420 2. Each such school bus must be used for the daily
421 transportation of public school students in the manner required
422 by the school district.

423 3. Annual payment for each such school bus may not exceed
424 10 percent of the purchase price of the state pool bid.

425 4. The proposed expenditure of the funds for this purpose
426 must have been included in the district school board's notice of
427 proposed tax for school capital outlay as provided in s.
428 200.065(10).

429 (j) Payment of the cost of the opening day collection for
430 the library media center of a new school.

431 Section 4. This act shall take effect July 1, 2022.