

By the Committees on Appropriations; and Education; and Senator Diaz

576-03372-22

2022758c2

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      requiring a charter school applicant to provide a  
19      school district with a copy of the application within  
20      a specified timeframe; authorizing the school district  
21      to provide input to the commission within a specified  
22      timeframe; requiring the commission to consider such  
23      input; providing for the appeal of commission  
24      decisions; amending s. 1002.33, F.S.; providing  
25      legislative intent; authorizing the commission to  
26      solicit and review charter school applications;  
27      requiring that the district school board that oversees  
28      the school district where a charter school approved by  
29      the commission will be located shall serve as the

576-03372-22

2022758c2

30 charter school's sponsor; prohibiting sponsors from  
31 imposing additional reporting requirements on a  
32 charter school so long as the charter school meets  
33 specified requirements; revising the terms and  
34 conditions for charter renewal; revising the procedure  
35 and causes for nonrenewal or termination of a charter;  
36 providing that any facility may provide space to  
37 charter schools under its existing zoning and land use  
38 designations without obtaining a special exception,  
39 rezoning, or a land use change; requiring that  
40 educational impact fees required to be paid in  
41 connection with new residential dwelling units be  
42 designated instead for the construction of charter  
43 school facilities; requiring the Office of Program  
44 Policy Analysis and Government Accountability to  
45 conduct an analysis of charter school capital outlay  
46 and submit a report to the Governor and the  
47 Legislature by a specified date; providing an  
48 effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Section 1002.3301, Florida Statutes, is created  
53 to read:

54 1002.3301 Charter School Review Commission.—The Charter  
55 School Review Commission is created within the Department of  
56 Education to review and approve applications for charter schools  
57 overseen by district school boards.

58 (1) The commission shall consist of seven members who have

576-03372-22

2022758c2

59 charter school experience, selected by the Commissioner of  
60 Education and subject to confirmation by the Senate. The  
61 commissioner shall designate one member as the chair. Each  
62 member shall be appointed to a 4-year term. However, for the  
63 purpose of achieving staggered terms, of the initial  
64 appointments, three members shall be appointed to 2-year terms  
65 and four members shall be appointed to 4-year terms. All  
66 subsequent appointments shall be for 4-year terms. A majority of  
67 the members of the commission constitutes a quorum.

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

71 (3) The district school board of the school district where  
72 the proposed charter school will be located shall be the sponsor  
73 of and supervisor for the new charter school and shall provide  
74 an initial proposed charter contract to the charter school  
75 pursuant to s. 1002.33(7)(b) within 30 calendar days after the  
76 commission's decision granting an application.

77 (4) Within 3 calendar days after an applicant submits an  
78 application for a charter school to the commission, the  
79 applicant shall also provide the application to the school  
80 district where the proposed charter school will be located.  
81 Within 30 calendar days after receiving a copy of the  
82 application, the school district may provide input to the  
83 commission on a form prescribed by the department. The  
84 commission must consider such input in reviewing the  
85 application.

86 (5) The decisions of the commission may be appealed in  
87 accordance with s. 1002.33(6)(c).

576-03372-22

2022758c2

88 Section 2. Subsection (2), paragraphs (a) and (b) of  
89 subsection (5), paragraph (c) of subsection (7), paragraph (a)  
90 of subsection (8), and paragraphs (c) and (f) of subsection (18)  
91 of section 1002.33, Florida Statutes, are amended, to read:

92 1002.33 Charter schools.—

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

94 (a) Charter schools in Florida shall be guided by the  
95 following principles:

96 1. Meet high standards of student achievement while  
97 providing parents flexibility to choose among diverse  
98 educational opportunities within this ~~the~~ state's public school  
99 system.

100 2. Promote enhanced academic success and financial  
101 efficiency by aligning responsibility with accountability.

102 3. Provide parents with sufficient information on whether  
103 their child is reading at grade level and whether the child  
104 gains at least a year's worth of learning for every year spent  
105 in the charter school.

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

107 1. Improve student learning and academic achievement.

108 2. Increase learning opportunities for all students, with  
109 special emphasis on low-performing students and reading.

110 3. Encourage the use of innovative learning methods.

111 4. Require the measurement of learning outcomes.

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

113 1. Create innovative measurement tools.

114 2. Provide rigorous competition within the public school  
115 system to stimulate continual improvement in all public schools.

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

576-03372-22

2022758c2

117 4. Mitigate the educational impact created by the  
118 development of new residential dwelling units.

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

121 (d) It is the intent of the Legislature that charter school  
122 students be considered as important as all other students in  
123 this state and, to that end, comparable funding levels from  
124 existing and future sources should be maintained for charter  
125 school students.

126 (5) SPONSOR; DUTIES.—

127 (a) *Sponsoring entities.*—

128 1. A district school board may sponsor a charter school in  
129 the county over which the district school board has  
130 jurisdiction.

131 2. A state university may grant a charter to a lab school  
132 created under s. 1002.32 and shall be considered to be the  
133 school's sponsor. Such school shall be considered a charter lab  
134 school.

135 3. Because needs relating to educational capacity,  
136 workforce qualifications, and career education opportunities are  
137 constantly changing and extend beyond school district  
138 boundaries:

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

143 b. A Florida College System institution may, upon approval  
144 by the Department of Education, solicit applications and sponsor  
145 a charter school in any county within its service area to meet

576-03372-22

2022758c2

146 workforce demands and may offer postsecondary programs leading  
147 to industry certifications to eligible charter school students.  
148 A charter school established under subparagraph (b)4. may not be  
149 sponsored by a Florida College System institution until its  
150 existing charter with the school district expires as provided  
151 under subsection (7).

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

155 d. The Charter School Review Commission, as authorized  
156 under s. 1002.3301, may solicit and review applications for  
157 charter schools overseen by district school boards, and upon the  
158 commission approving an application, the district school board  
159 that oversees the school district where the charter school will  
160 be located shall serve as sponsor.

161 (b) *Sponsor duties.*—

162 1.a. The sponsor shall monitor and review the charter  
163 school in its progress toward the goals established in the  
164 charter.

165 b. The sponsor shall monitor the revenues and expenditures  
166 of the charter school and perform the duties provided in s.  
167 1002.345.

168 c. The sponsor may approve a charter for a charter school  
169 before the applicant has identified space, equipment, or  
170 personnel, if the applicant indicates approval is necessary for  
171 it to raise working funds.

172 d. The sponsor may ~~shall~~ not apply its policies to a  
173 charter school unless mutually agreed to by both the sponsor and  
174 the charter school. If the sponsor subsequently amends any

576-03372-22

2022758c2

175 agreed-upon sponsor policy, the version of the policy in effect  
176 at the time of the execution of the charter, or any subsequent  
177 modification thereof, shall remain in effect and the sponsor may  
178 not hold the charter school responsible for any provision of a  
179 newly revised policy until the revised policy is mutually agreed  
180 upon.

181 e. The sponsor shall ensure that the charter is innovative  
182 and consistent with the state education goals established by s.  
183 1000.03(5).

184 f. The sponsor shall ensure that the charter school  
185 participates in the state's education accountability system. If  
186 a charter school falls short of performance measures included in  
187 the approved charter, the sponsor shall report such shortcomings  
188 to the Department of Education.

189 g. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages  
190 under state law for personal injury, property damage, or death  
191 resulting from an act or omission of an officer, employee,  
192 agent, or governing body of the charter school.

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

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

198 j. The sponsor may ~~shall~~ not impose additional reporting  
199 requirements on a charter school as long as the charter school  
200 has not been identified as having a deteriorating financial  
201 condition or financial emergency pursuant to s. 1002.345 ~~without~~  
202 ~~providing reasonable and specific justification in writing to~~  
203 ~~the charter school.~~

576-03372-22

2022758c2

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

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

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

211 (B) The date each application was approved, denied, or  
212 withdrawn.

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

214 (II) Annually, by November 1, the sponsor shall submit to  
215 the department the information for the applications submitted  
216 the previous year.

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

220 2. Immunity for the sponsor of a charter school under  
221 subparagraph 1. applies only with respect to acts or omissions  
222 not under the sponsor's direct authority as described in this  
223 section.

224 3. This paragraph does not waive a sponsor's sovereign  
225 immunity.

226 4. A Florida College System institution may work with the  
227 school district or school districts in its designated service  
228 area to develop charter schools that offer secondary education.  
229 These charter schools must include an option for students to  
230 receive an associate degree upon high school graduation. If a  
231 Florida College System institution operates an approved teacher  
232 preparation program under s. 1004.04 or s. 1004.85, the



576-03372-22

2022758c2

233 institution may operate charter schools that serve students in  
234 kindergarten through grade 12 in any school district within the  
235 service area of the institution. District school boards shall  
236 cooperate with and assist the Florida College System institution  
237 on the charter application. Florida College System institution  
238 applications for charter schools are not subject to the time  
239 deadlines outlined in subsection (6) and may be approved by the  
240 district school board at any time during the year. Florida  
241 College System institutions may not report FTE for any students  
242 participating under this subparagraph who receive FTE funding  
243 through the Florida Education Finance Program.

244       5. For purposes of assisting the development of a charter  
245 school, a school district may enter into nonexclusive interlocal  
246 agreements with federal and state agencies, counties,  
247 municipalities, and other governmental entities that operate  
248 within the geographical borders of the school district to act on  
249 behalf of such governmental entities in the inspection,  
250 issuance, and other necessary activities for all necessary  
251 permits, licenses, and other permissions that a charter school  
252 needs in order for development, construction, or operation. A  
253 charter school may use, but may not be required to use, a school  
254 district for these services. The interlocal agreement must  
255 include, but need not be limited to, the identification of fees  
256 that charter schools will be charged for such services. The fees  
257 must consist of the governmental entity's fees plus a fee for  
258 the school district to recover no more than actual costs for  
259 providing such services. These services and fees are not  
260 included within the services to be provided pursuant to  
261 subsection (20). Notwithstanding any other provision of law, an

576-03372-22

2022758c2

262 interlocal agreement between a school district and a federal or  
263 state agency, county, municipality, or other governmental entity  
264 which prohibits or limits the creation of a charter school  
265 within the geographic borders of the school district is void and  
266 unenforceable.

267         6. The board of trustees of a sponsoring state university  
268 or Florida College System institution under paragraph (a) is the  
269 local educational agency for all charter schools it sponsors for  
270 purposes of receiving federal funds and accepts full  
271 responsibility for all local educational agency requirements and  
272 the schools for which it will perform local educational agency  
273 responsibilities. A student enrolled in a charter school that is  
274 sponsored by a state university or Florida College System  
275 institution may not be included in the calculation of the school  
276 district's grade under s. 1008.34(5) for the school district in  
277 which he or she resides.

278         (7) CHARTER.—The terms and conditions for the operation of  
279 a charter school shall be set forth by the sponsor and the  
280 applicant in a written contractual agreement, called a charter.  
281 The sponsor and the governing board of the charter school shall  
282 use the standard charter contract pursuant to subsection (21),  
283 which shall incorporate the approved application and any addenda  
284 approved with the application. Any term or condition of a  
285 proposed charter contract that differs from the standard charter  
286 contract adopted by rule of the State Board of Education shall  
287 be presumed a limitation on charter school flexibility. The  
288 sponsor may not impose unreasonable rules or regulations that  
289 violate the intent of giving charter schools greater flexibility  
290 to meet educational goals. The charter shall be signed by the

576-03372-22

2022758c2

291 governing board of the charter school and the sponsor, following  
292 a public hearing to ensure community input.

293 (c)1. A charter may be renewed provided that a program  
294 review demonstrates that the criteria in paragraph (a) have been  
295 successfully accomplished and that none of the grounds for  
296 nonrenewal established by paragraph (8) (a) have ~~has~~ been  
297 expressly found documented. The charter of a charter school that  
298 meets these requirements and has received a school grade lower  
299 than a "B" pursuant to s. 1008.34 in the most recently graded  
300 school year must be renewed for no less than a 5-year term  
301 except as provided in paragraph (9) (n). In order to facilitate  
302 long-term financing for charter school construction, charter  
303 schools operating for a minimum of 3 years and demonstrating  
304 exemplary academic programming and fiscal management are  
305 eligible for a 15-year charter renewal. Such long-term charter  
306 is subject to annual review and may be terminated during the  
307 term of the charter.

308 2. The 15-year charter renewal that may be granted pursuant  
309 to subparagraph 1. must ~~shall~~ be granted to a charter school  
310 that has received a school grade of "A" or "B" pursuant to s.  
311 1008.34 in the most recently graded school year ~~3 of the past 4~~  
312 ~~years~~ and that is not in a state of financial emergency or  
313 deficit position as defined by this section. Such long-term  
314 charter is subject to annual review and may be terminated during  
315 the term of the charter pursuant to subsection (8).

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

317 (a) The sponsor shall make student academic achievement for  
318 all students the most important factor when determining whether  
319 to renew or terminate the charter. The sponsor may ~~also~~ choose

576-03372-22

2022758c2

320 not to renew or may terminate the charter only if the sponsor  
321 expressly finds that one of the grounds set forth below exists  
322 by clear and convincing evidence:

323 1. Failure to participate in the state's education  
324 accountability system created in s. 1008.31, as required in this  
325 section, or failure to meet the requirements for student  
326 performance stated in the charter.

327 2. Failure to meet generally accepted standards of fiscal  
328 management due to deteriorating financial conditions or  
329 financial emergencies determined pursuant to s. 1002.345.

330 3. Material violation of law.

331 ~~4. Other good cause shown.~~

332 (18) FACILITIES.—

333 (c) Any facility, or portion thereof, used to house a  
334 charter school whose charter has been approved by the sponsor  
335 and the governing board, pursuant to subsection (7), is ~~shall be~~  
336 exempt from ad valorem taxes pursuant to s. 196.1983 and—  
337 ~~Library, community service, museum, performing arts, theatre,~~  
338 ~~cinema, church, Florida College System institution, college, and~~  
339 ~~university facilities~~ may provide space to charter schools  
340 ~~within their facilities~~ under the facility's existing ~~their~~  
341 ~~preexisting~~ zoning and land use designations without obtaining a  
342 special exception, rezoning, or a land use change.

343 (f) To the extent that charter school facilities are  
344 specifically created to mitigate the educational impact created  
345 by the development of new residential dwelling units, pursuant  
346 to subparagraph (2)(c)4., ~~some of or~~ all of the educational  
347 impact fees required to be paid in connection with the new  
348 residential dwelling units must ~~may~~ be designated instead for

576-03372-22

2022758c2

349 the construction of the charter school facilities that will  
350 mitigate the student station impact. Such facilities shall be  
351 built to the State Requirements for Educational Facilities and  
352 shall be owned by a public or nonprofit entity. The local school  
353 district retains the right to monitor and inspect such  
354 facilities to ensure compliance with the State Requirements for  
355 Educational Facilities. If a facility ceases to be used for  
356 public educational purposes, either the facility shall revert to  
357 the school district subject to any debt owed on the facility, or  
358 the owner of the facility shall have the option to refund all  
359 educational impact fees utilized for the facility to the school  
360 district. The district and the owner of the facility may  
361 contractually agree to another arrangement for the facilities if  
362 the facilities cease to be used for educational purposes. The  
363 owner of property planned or approved for new residential  
364 dwelling units and the entity levying educational impact fees  
365 shall enter into an agreement that designates the educational  
366 impact fees that will be allocated for the charter school  
367 student stations and that ensures the timely construction of the  
368 charter school student stations concurrent with the expected  
369 occupancy of the residential units. The application for use of  
370 educational impact fees shall include an approved charter school  
371 application. To assist the school district in forecasting  
372 student station needs, the entity levying the impact fees shall  
373 notify the affected district of any agreements it has approved  
374 for the purpose of mitigating student station impact from the  
375 new residential dwelling units.

376 Section 3. (1) The Office of Program Policy Analysis and  
377 Government Accountability shall conduct an analysis of the

576-03372-22

2022758c2

378 current methodologies for the distribution of capital outlay  
379 funds to charter schools. Based on its analysis, the office  
380 shall recommend any changes to provide an equitable allocation  
381 of capital outlay funds for all public schools. The analysis  
382 must include, at a minimum:

383 (a) An analysis of the calculation methodology for the  
384 allocation of state funds appropriated in the General  
385 Appropriations Act under s. 1013.62(2), Florida Statutes.

386 (b) An analysis of the calculation methodology to determine  
387 the amount of revenue that a school district must distribute to  
388 a charter school under s. 1013.62(3), Florida Statutes.

389 (c) For the most recent 3 years, a comparison of the  
390 charter school capital outlay amounts between the allocation of  
391 state funds and revenue that would result from the discretionary  
392 millage authorized under s. 1011.71(2), Florida Statutes.

393 (d) Other state policies and methodologies for the  
394 distribution of charter school capital outlay funds.

395 (2) The office shall submit a report of its findings and  
396 recommendations to the Governor, the President of the Senate,  
397 and the Speaker of the House of Representatives by January 1,  
398 2023.

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