

1 A bill to be entitled
2 An act relating to charter schools; creating s.
3 1002.3301, F.S.; creating 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, subject to confirmation
9 by the Senate; providing that a majority of the
10 commission members constitutes a quorum; providing
11 that the commission has the same powers and duties
12 relating to reviewing and approving charter schools as
13 a sponsor; designating the district school board where
14 a proposed charter school will be located as the new
15 charter school's sponsor and supervisor; requiring a
16 district school board to take specified actions within
17 a certain timeframe after the commission grants a
18 charter school application; authorizing the appeal of
19 commission decisions; amending s. 1002.33, F.S.;
20 providing legislative intent; authorizing the
21 commission to solicit and review certain charter
22 school applications; requiring the district school
23 board that oversees the school district where a
24 charter school approved by the commission will be
25 located to serve as the charter school's sponsor;

26 prohibiting sponsors from imposing additional
 27 reporting requirements unless a charter school meets
 28 specified criteria; revising the terms and conditions
 29 for charter renewal; revising the procedure and causes
 30 for nonrenewal or termination of a charter; providing
 31 that 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, rather than authorizing,
 35 certain educational impact fees to be designated for
 36 the construction of certain charter school facilities;
 37 amending s. 1011.71, F.S.; providing that certain
 38 additional tax millage is part of school districts'
 39 operating discretionary millage levy; providing an
 40 effective date.

41

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

43

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

46 1002.3301 Charter School Review Commission.—The Charter
 47 School Review Commission is created within the Department of
 48 Education to review and approve applications for charter schools
 49 overseen by district school boards.

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

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

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

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

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

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

75 1002.33 Charter schools.—

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

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

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

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

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

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

90 1. Improve student learning and academic achievement.

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

93 3. Encourage the use of innovative learning methods.

94 4. Require the measurement of learning outcomes.

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

96 1. Create innovative measurement tools.

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

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

100 4. Mitigate the educational impact created by the

101 development of new residential dwelling units.

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

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

109 (5) SPONSOR; DUTIES.—

110 (a) *Sponsoring entities.*—

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

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

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

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

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

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

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

144 (b) *Sponsor duties.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

200 (III) The department shall compile an annual report, by

201 sponsor, and post the report on its website by January 15 of
202 each year.

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

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

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

226 | through the Florida Education Finance Program.

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

250 | 6. The board of trustees of a sponsoring state university

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

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

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

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

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

300 (a) The sponsor shall make student academic achievement

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

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

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

313 3. Material violation of law.

314 ~~4. Other good cause shown.~~

315 (18) FACILITIES.—

316 (c) Any facility, or portion thereof, used to house a
 317 charter school whose charter has been approved by the sponsor
 318 and the governing board, pursuant to subsection (7), is ~~shall be~~
 319 exempt from ad valorem taxes pursuant to s. 196.1983. ~~Library,~~
 320 ~~community service, museum, performing arts, theatre, cinema,~~
 321 ~~church, Florida College System institution, college, and~~
 322 ~~university facilities~~ may provide space to charter schools
 323 ~~within their facilities~~ under the facility's existing ~~their~~
 324 ~~preexisting~~ zoning and land use designations without obtaining a
 325 special exception, rezoning, or a land use change.

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

351 charter school student stations concurrent with the expected
 352 occupancy of the residential units. The application for use of
 353 educational impact fees shall include an approved charter school
 354 application. To assist the school district in forecasting
 355 student station needs, the entity levying the impact fees shall
 356 notify the affected district of any agreements it has approved
 357 for the purpose of mitigating student station impact from the
 358 new residential dwelling units.

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

361 1011.71 District school tax.—

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

376 buses.

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

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

401 1002.33(20) from any charter school operating in the school
 402 district.

403 (f) Payment of loans approved pursuant to ss. 1011.14 and
 404 1011.15.

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

408 (h) Payment of costs of leasing relocatable educational
 409 facilities, of renting or leasing educational facilities and
 410 sites pursuant to s. 1013.15(2), or of renting or leasing
 411 buildings or space within existing buildings pursuant to s.
 412 1013.15(4).

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

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

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

424 3. Annual payment for each such school bus may not exceed
 425 10 percent of the purchase price of the state pool bid.

426 4. The proposed expenditure of the funds for this purpose
427 must have been included in the district school board's notice of
428 proposed tax for school capital outlay as provided in s.
429 200.065(10).

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

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