

By Senator Calatayud

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1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; authorizing a charter school to assign
4 its charter to another governing board that meets
5 specified requirements; authorizing the sponsor of a
6 charter school to require the proposed governing board
7 to provide certain information and to deny a request
8 for assignment only if the proposed governing board
9 does not meet specified requirements; authorizing
10 certain unrestricted capital assets to be used for
11 other charter schools in this state, rather than in
12 the same school district; revising the circumstances
13 under which certain laws apply to a charter school
14 governing board; specifying the circumstances under
15 which the landlord of a charter school or certain
16 other individuals may serve on a charter school
17 governing board; amending s. 1002.331, F.S.;
18 conforming provisions to changes made by the act;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (d) of subsection (7), paragraph (b)
24 of subsection (17), and paragraph (a) of subsection (26) of
25 section 1002.33, Florida Statutes, are amended, and paragraph (d)
26 is added to subsection (26) of that section, to read:

27 1002.33 Charter schools.—

28 (7) CHARTER.—The terms and conditions for the operation of
29 a charter school, including a virtual charter school, shall be

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30 set forth by the sponsor and the applicant in a written
31 contractual agreement, called a charter. The sponsor and the
32 governing board of the charter school or virtual charter school
33 shall use the standard charter contract or standard virtual
34 charter contract, respectively, pursuant to subsection (21),
35 which shall incorporate the approved application and any addenda
36 approved with the application. Any term or condition of a
37 proposed charter contract or proposed virtual charter contract
38 that differs from the standard charter or virtual charter
39 contract adopted by rule of the State Board of Education shall
40 be presumed a limitation on charter school flexibility. The
41 sponsor may not impose unreasonable rules or regulations that
42 violate the intent of giving charter schools greater flexibility
43 to meet educational goals. The charter shall be signed by the
44 governing board of the charter school and the sponsor, following
45 a public hearing to ensure community input.

46 (d) A charter may be modified during its term upon the
47 recommendation of the sponsor or the charter school's governing
48 board and the approval of both parties to the agreement. Changes
49 to curriculum which are consistent with state standards are
50 ~~shall be~~ deemed approved unless the sponsor and the Department
51 of Education determine in writing that the curriculum is
52 inconsistent with state standards. Modification during any term
53 may include, but is not limited to, consolidation of multiple
54 charters into a single charter if the charters are operated
55 under the same governing board, regardless of the renewal cycle.
56 A charter school may assign its charter to another governing
57 board if the proposed governing board is a nonprofit entity or
58 otherwise meets the requirements of paragraph (12) (i). A sponsor

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59 may require the proposed governing board to provide information
60 required by subparagraph (6)(a)6. and may deny a request for
61 assignment only if the sponsor demonstrates by clear and
62 convincing evidence that the proposed governing board does not
63 meet the requirements of this subsection. A charter school that
64 is not subject to a school improvement plan and that closes as
65 part of a consolidation shall be reported by the sponsor as a
66 consolidation. A request for consolidation of multiple charters
67 must be approved or denied within 60 days after the submission
68 of the request. If the request is denied, the sponsor must ~~shall~~
69 notify the charter school's governing board of the denial and
70 must provide the specific reasons, in reasonable detail, for the
71 denial of the request for consolidation within 10 days.

72 (17) FUNDING.—Students enrolled in a charter school,
73 regardless of the sponsorship, shall be funded as if they are in
74 a basic program or a special program, the same as students
75 enrolled in other public schools in a school district. Funding
76 for a charter lab school shall be as provided in s. 1002.32.

77 (b)1. The basis for the agreement for funding students
78 enrolled in a charter school shall be the sum of the school
79 district's operating funds from the Florida Education Finance
80 Program as provided in s. 1011.62 and the General Appropriations
81 Act, including gross state and local funds, discretionary
82 lottery funds, and funds from the school district's current
83 operating discretionary millage levy; divided by total funded
84 weighted full-time equivalent students in the school district;
85 and multiplied by the weighted full-time equivalent students for
86 the charter school. Charter schools whose students or programs
87 meet the eligibility criteria in law are entitled to their

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88 proportionate share of categorical program funds included in the
89 total funds available in the Florida Education Finance Program
90 by the Legislature, including transportation, and the evidence-
91 based reading allocation. Total funding for each charter school
92 shall be recalculated during the year to reflect the revised
93 calculations under the Florida Education Finance Program by the
94 state and the actual weighted full-time equivalent students
95 reported by the charter school during the full-time equivalent
96 student survey periods designated by the Commissioner of
97 Education. For charter schools operated by a not-for-profit or
98 municipal entity, any unrestricted current and capital assets
99 identified in the charter school's annual financial audit may be
100 used for other charter schools operated by the not-for-profit or
101 municipal entity within this state ~~the school district~~.
102 Unrestricted current assets must ~~shall~~ be used in accordance
103 with s. 1011.62, and any unrestricted capital assets must ~~shall~~
104 be used in accordance with s. 1013.62(2).

105 2.a. Students enrolled in a charter school sponsored by a
106 state university or Florida College System institution pursuant
107 to paragraph (5)(a) shall be funded as if they are in a basic
108 program or a special program in the school district. The basis
109 for funding these students is the sum of the total operating
110 funds from the Florida Education Finance Program for the school
111 district in which the school is located as provided in s.
112 1011.62 and the General Appropriations Act, including gross
113 state and local funds, discretionary lottery funds, and funds
114 from each school district's current operating discretionary
115 millage levy, divided by total funded weighted full-time
116 equivalent students in the district, and multiplied by the full-

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117 time equivalent membership of the charter school. The Department
118 of Education shall develop a tool that each state university or
119 Florida College System institution sponsoring a charter school
120 shall use for purposes of calculating the funding amount for
121 each eligible charter school student. The total amount obtained
122 from the calculation must be appropriated from state funds in
123 the General Appropriations Act to the charter school.

124 b. Capital outlay funding for a charter school sponsored by
125 a state university or Florida College System institution
126 pursuant to paragraph (5) (a) is determined pursuant to s.
127 1013.62 and the General Appropriations Act.

128 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

129 (a) A member of a governing board of a charter school,
130 including a charter school operated by a private entity, is
131 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3) to
132 the extent that such statutes concern employment or contractual
133 relationships with for-profit businesses or transactions between
134 the charter school and for-profit businesses.

135 (d) The landlord of a charter school, or his or her spouse,
136 or an officer, director, or employee of an entity that is a
137 landlord of a charter school, or his or her spouse, may not be a
138 member of the governing board of the charter school unless:

139 1. The charter school is established under paragraph
140 (15) (c) and the landlord is a municipal entity; or

141 2. The landlord is a not-for-profit entity and a two-thirds
142 majority vote of the charter school board, excluding the vote of
143 landlord-affiliated board members, approves the landlord-
144 affiliated board member to be elected to, or to remain on, the
145 board.

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146 Section 2. Subsection (2) of section 1002.331, Florida
147 Statutes, is amended to read:

148 1002.331 High-performing charter schools.—

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

150 (a) Increase its student enrollment once per school year to
151 more than the capacity identified in the charter, but student
152 enrollment may not exceed the capacity of the facility at the
153 time the enrollment increase will take effect. Facility capacity
154 for purposes of expansion must ~~shall~~ include any improvements to
155 an existing facility or any new facility in which the students
156 of the high-performing charter school will enroll.

157 (b) Expand grade levels within kindergarten through grade
158 12 to add grade levels not already served if any annual
159 enrollment increase resulting from grade level expansion is
160 within the limit established in paragraph (a).

161 (c) Submit a quarterly, rather than a monthly, financial
162 statement to the sponsor pursuant to s. 1002.33(9)(g).

163 (d) Consolidate under a single charter the charters of
164 multiple high-performing charter schools operated in the same
165 school district by the charter schools' governing board
166 regardless of the renewal cycle.

167 (e) Receive a modification of its charter to a term of 15
168 years or a 15-year charter renewal. The charter may be modified
169 or renewed for a shorter term at the option of the high-
170 performing charter school. The charter must be consistent with
171 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
172 review by the sponsor, and may be terminated during its term
173 pursuant to s. 1002.33(8).

174 (f) Assign its charter to another operator, provided that

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175 the proposed operator meets the requirements of s.
176 1002.33(12) (i).

177
178 A high-performing charter school shall notify its sponsor in
179 writing by March 1 if it intends to increase enrollment or
180 expand grade levels the following school year. The written
181 notice must ~~shall~~ specify the amount of the enrollment increase
182 and the grade levels that will be added, as applicable. If a
183 charter school notifies the sponsor of its intent to expand, the
184 sponsor must ~~shall~~ modify the charter within 90 days to include
185 the new enrollment maximum and may not make any other changes.
186 The sponsor may deny a request to increase the enrollment of a
187 high-performing charter school if the commissioner has
188 declassified the charter school as high-performing. If a high-
189 performing charter school requests to consolidate multiple
190 charters or assign an existing charter, the sponsor has ~~shall~~
191 ~~have~~ 40 days after receipt of that request to provide an initial
192 draft charter to the charter school. The sponsor and charter
193 school ~~shall~~ have 50 days thereafter to negotiate and notice the
194 charter contract for final approval by the sponsor.

195 Section 3. This act shall take effect July 1, 2023.