

1                   A bill to be entitled  
2           An act relating to education; amending s. 1002.33,  
3           F.S.; authorizing charter schools to give enrollment  
4           preference to specified students; requiring charter  
5           school sponsors to timely review and reimburse  
6           specified grant funds; requiring such funds to be  
7           reimbursed within a specified time period; providing  
8           for the payment of interest to charter schools under  
9           certain circumstances; requiring charter school  
10          sponsors to provide specified training and a certain  
11          report to its charter schools; requiring the report to  
12          be submitted to the Department of Education by a  
13          specified date; requiring the State Board of Education  
14          to adopt rules to implement a standard monitoring  
15          tool; amending s. 1002.43, F.S.; authorizing private  
16          tutoring of a specified number of students to take  
17          place in specified facilities under existing zoning  
18          and land use designations without obtaining a special  
19          exception, rezoning, or a land use change; amending s.  
20          1003.02, F.S.; requiring a poster containing specified  
21          information relating to choking to be placed in public  
22          school cafeterias; providing requirements for the  
23          placement of such posters; amending s. 1012.57, F.S.;  
24          revising the validity period of an adjunct teaching  
25          certificate; amending s. 1012.71, F.S.; revising the

26 | definition of the term "classroom teacher"; requiring  
 27 | district school boards to calculate prorated shares of  
 28 | funds from the Florida Teachers Classroom Supply  
 29 | Assistance Program for certain classroom teachers;  
 30 | providing an effective date.

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

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34 | Section 1. Paragraph (d) of subsection (10), paragraph (e)  
 35 | of subsection (17), paragraph (a) of subsection (20) and  
 36 | subsection (28) of section 1002.33, Florida Statutes, are  
 37 | amended to read:

38 | 1002.33 Charter schools.—

39 | (10) ELIGIBLE STUDENTS.—

40 | (d) A charter school may give enrollment preference to the  
 41 | following student populations:

42 | 1. Students who are siblings of a student enrolled in the  
 43 | charter school.

44 | 2. Students who are the children of a member of the  
 45 | governing board of the charter school.

46 | 3. Students who are the children of an employee of the  
 47 | charter school.

48 | 4. Students who are the children of:

49 | a. An employee of the business partner of a charter  
 50 | school-in-the-workplace established under paragraph (15) (b) or a

51 resident of the municipality in which such charter school is  
 52 located; or

53 b. A resident or employee of a municipality that operates  
 54 a charter school-in-a-municipality pursuant to paragraph (15) (c)  
 55 or allows a charter school to use a school facility or portion  
 56 of land provided by the municipality for the operation of the  
 57 charter school.

58 5. Students who have successfully completed, during the  
 59 previous year, a voluntary prekindergarten education program  
 60 under ss. 1002.51-1002.79 provided by the charter school, the  
 61 charter school's governing board, or a voluntary prekindergarten  
 62 provider that has a written agreement with the governing board.

63 6. Students who are the children of an active duty member  
 64 of any branch of the United States Armed Forces.

65 7. Students who attended or are assigned to failing  
 66 schools pursuant to s. 1002.38(2).

67 8. Students who are the children of a safe-school officer,  
 68 as defined in s. 1006.12, at the school.

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

74 (e) Sponsors shall make timely and efficient payment and  
 75 reimbursement to charter schools, including processing paperwork

76 required to access special state and federal funding for which  
77 they may be eligible, including the timely review and  
78 reimbursement of federal grant funds. Payments of funds under  
79 paragraph (b) shall be made monthly or twice a month, beginning  
80 with the start of the sponsor's fiscal year. Each payment shall  
81 be one-twelfth, or one twenty-fourth, as applicable, of the  
82 total state and local funds described in paragraph (b) and  
83 adjusted as set forth therein. For the first 2 years of a  
84 charter school's operation, if a minimum of 75 percent of the  
85 projected enrollment is entered into the sponsor's student  
86 information system by the first day of the current month, the  
87 sponsor shall distribute funds to the school for the months of  
88 July through October based on the projected full-time equivalent  
89 student membership of the charter school as submitted in the  
90 approved application. If less than 75 percent of the projected  
91 enrollment is entered into the sponsor's student information  
92 system by the first day of the current month, the sponsor shall  
93 base payments on the actual number of student enrollment entered  
94 into the sponsor's student information system. Thereafter, the  
95 results of full-time equivalent student membership surveys shall  
96 be used in adjusting the amount of funds distributed monthly to  
97 the charter school for the remainder of the fiscal year. The  
98 payments shall be issued no later than 10 working days after the  
99 sponsor receives a distribution of state or federal funds or the  
100 date the payment is due pursuant to this subsection. With

101 respect to federal grant funds submitted for reimbursement, the  
102 sponsor shall have 60 calendar days from the date of the  
103 submission to reimburse the charter school if the submission  
104 provides all the necessary information to qualify for  
105 reimbursement. If a warrant for payment is not issued within 10  
106 working days after receipt of funding by the sponsor or within  
107 60 calendar days after an approved submittal for reimbursement  
108 of federal grant funds, the sponsor shall pay to the charter  
109 school, in addition to the amount of the scheduled disbursement,  
110 interest at a rate of 1 percent per month calculated on a daily  
111 basis on the unpaid balance from the expiration of the 10  
112 working days or 60 calendar days for the reimbursement of  
113 federal grant funds, until such time as the warrant is issued.  
114 The district school board may not delay payment to a charter  
115 school of any portion of the funds provided in paragraph (b)  
116 based on the timing of receipt of local funds by the district  
117 school board.

118 (20) SERVICES.—

119 (a)1. A sponsor shall provide certain administrative and  
120 educational services to charter schools. These services shall  
121 include contract management services; full-time equivalent and  
122 data reporting services; exceptional student education  
123 administration services; services related to eligibility and  
124 reporting duties required to ensure that school lunch services  
125 under the National School Lunch Program, consistent with the

126 needs of the charter school, are provided by the sponsor at the  
127 request of the charter school, that any funds due to the charter  
128 school under the National School Lunch Program be paid to the  
129 charter school as soon as the charter school begins serving food  
130 under the National School Lunch Program, and that the charter  
131 school is paid at the same time and in the same manner under the  
132 National School Lunch Program as other public schools serviced  
133 by the sponsor or the school district; test administration  
134 services, including payment of the costs of state-required or  
135 district-required student assessments; processing of teacher  
136 certificate data services; and information services, including  
137 equal access to the sponsor's student information systems that  
138 are used by public schools in the district in which the charter  
139 school is located or by schools in the sponsor's portfolio of  
140 charter schools if the sponsor is not a school district. Student  
141 performance data for each student in a charter school,  
142 including, but not limited to, FCAT scores, standardized test  
143 scores, previous public school student report cards, and student  
144 performance measures, shall be provided by the sponsor to a  
145 charter school in the same manner provided to other public  
146 schools in the district or by schools in the sponsor's portfolio  
147 of charter schools if the sponsor is not a school district.

148 2. A sponsor shall provide training to charter schools on  
149 systems the sponsor will require the charter school to use.

150 3.2. A sponsor may withhold an administrative fee for the

151 provision of such services which shall be a percentage of the  
152 available funds defined in paragraph (17)(b) calculated based on  
153 weighted full-time equivalent students. If the charter school  
154 serves 75 percent or more exceptional education students as  
155 defined in s. 1003.01(3), the percentage shall be calculated  
156 based on unweighted full-time equivalent students. The  
157 administrative fee shall be calculated as follows:

158 a. Up to 5 percent for:

159 (I) Enrollment of up to and including 250 students in a  
160 charter school as defined in this section.

161 (II) Enrollment of up to and including 500 students within  
162 a charter school system which meets all of the following:

163 (A) Includes conversion charter schools and nonconversion  
164 charter schools.

165 (B) Has all of its schools located in the same county.

166 (C) Has a total enrollment exceeding the total enrollment  
167 of at least one school district in this state.

168 (D) Has the same governing board for all of its schools.

169 (E) Does not contract with a for-profit service provider  
170 for management of school operations.

171 (III) Enrollment of up to and including 250 students in a  
172 virtual charter school.

173 b. Up to 2 percent for enrollment of up to and including  
174 250 students in a high-performing charter school as defined in  
175 s. 1002.331.

176 c. Up to 2 percent for enrollment of up to and including  
177 250 students in an exceptional student education center that  
178 meets the requirements of the rules adopted by the State Board  
179 of Education pursuant to s. 1008.3415(3).

180 ~~4.3.~~ A sponsor may not charge charter schools any  
181 additional fees or surcharges for administrative and educational  
182 services in addition to the maximum percentage of administrative  
183 fees withheld pursuant to this paragraph. A sponsor may not  
184 charge or withhold any administrative fee against a charter  
185 school for any funds specifically allocated by the Legislature  
186 for teacher compensation.

187 ~~5.4.~~ A sponsor shall provide to the department by  
188 September 15 of each year the total amount of funding withheld  
189 from charter schools pursuant to this subsection for the prior  
190 fiscal year. The department must include the information in the  
191 report required under sub-sub-subparagraph (5)(b)1.k.(III).

192 6. A sponsor shall annually provide a report to its  
193 charter schools on what services are being rendered from the  
194 sponsor's portion of the administrative fee. The report must  
195 include the listed services and be submitted to the department  
196 by September 15 of each year.

197 (28) RULEMAKING.—The Department of Education, after  
198 consultation with sponsors and charter school directors, shall  
199 recommend that the State Board of Education adopt rules to  
200 implement specific subsections of this section. Such rules shall



201 require minimum paperwork and shall not limit charter school  
 202 flexibility authorized by statute. The State Board of Education  
 203 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
 204 implement a standard charter application form, standard  
 205 application form for the replication of charter schools in a  
 206 high-performing charter school system, standard evaluation  
 207 instrument, standard monitoring tool, and standard charter and  
 208 charter renewal contracts in accordance with this section.

209 Section 2. Subsection (3) is added to section 1002.43,  
 210 Florida Statutes, to read:

211 1002.43 Private tutoring programs.—

212 (3) Private tutoring may be provided to up to 25 students  
 213 in any commercial building with a valid certificate of  
 214 occupancy, library, community service, museum, performing arts,  
 215 theatre, cinema, or church facility; in any facility or on any  
 216 land owned by a Florida College System institution or  
 217 university; in any similar public institution facility; and in  
 218 any facility recently used to house a school or child care  
 219 facility licensed under s. 402.305 within the preexisting zoning  
 220 and land use designations of the facility without obtaining a  
 221 special exception, rezoning, or a land use change so long as the  
 222 provision of such tutoring meets all applicable state and local  
 223 health, safety, and welfare laws, codes, and rules, including  
 224 those pertaining to firesafety and building safety.

225 Section 3. Paragraph (k) is added to subsection (1) of

226 section 1003.02, Florida Statutes, to read:

227 1003.02 District school board operation and control of  
 228 public K-12 education within the school district.—As provided in  
 229 part II of chapter 1001, district school boards are  
 230 constitutionally and statutorily charged with the operation and  
 231 control of public K-12 education within their school districts.  
 232 The district school boards must establish, organize, and operate  
 233 their public K-12 schools and educational programs, employees,  
 234 and facilities. Their responsibilities include staff  
 235 development, public K-12 school student education including  
 236 education for exceptional students and students in juvenile  
 237 justice programs, special programs, adult education programs,  
 238 and career education programs. Additionally, district school  
 239 boards must:

240 (1) Provide for the proper accounting for all students of  
 241 school age, for the attendance and control of students at  
 242 school, and for proper attention to health, safety, and other  
 243 matters relating to the welfare of students in the following  
 244 areas:

245 (k) Instructions on emergency first aid for choking.—  
 246 Require a poster that contains step-by-step instructions on how  
 247 to provide emergency first aid for choking on conscious  
 248 individuals to be posted in each public school cafeteria within  
 249 the school district. The poster must be easily visible and  
 250 prominently placed.

251 Section 4. Subsection (4) of section 1012.57, Florida  
 252 Statutes, is amended to read:

253 1012.57 Certification of adjunct educators.—

254 (4) Each adjunct teaching certificate is valid through the  
 255 term of the annual contract between the educator and the school  
 256 district. An additional annual certification and an additional  
 257 annual contract may be awarded by the district at the district's  
 258 discretion but only if the applicant is rated effective or  
 259 highly effective under s. 1012.34 during each year of teaching  
 260 under adjunct teaching certification. A school district may  
 261 issue an adjunct teaching certificate for a part-time or full-  
 262 time teaching position; however, an adjunct teaching certificate  
 263 issued for a full-time teaching position is valid for no more  
 264 than 5 3 years and is nonrenewable.

265 Section 5. Subsections (1) and (3) of section 1012.71,  
 266 Florida Statutes, are amended to read:

267 1012.71 The Florida Teachers Classroom Supply Assistance  
 268 Program.—

269 (1) For purposes of the Florida Teachers Classroom Supply  
 270 Assistance Program, the term "classroom teacher" means a  
 271 certified teacher employed by a public school district or a  
 272 public charter school in that district on or before September 1  
 273 of each year whose full-time or job-share responsibility is the  
 274 classroom instruction of students in prekindergarten through  
 275 grade 12, including full-time media specialists and certified

276 school counselors serving students in prekindergarten through  
277 grade 12, who are funded through the Florida Education Finance  
278 Program. A "job-share" classroom teacher is one of two teachers  
279 whose combined full-time equivalent employment for the same  
280 teaching assignment equals one full-time classroom teacher. The  
281 term "classroom teacher" may also include an administrator or a  
282 substitute teacher who holds a valid teaching certificate who is  
283 filling a vacancy in an identified teaching position on or  
284 before September 1 of each year.

285 (3) From the funds allocated to each school district and  
286 any funds received from local contributions for the Florida  
287 Teachers Classroom Supply Assistance Program, the district  
288 school board shall calculate an identical amount for each  
289 classroom teacher who is estimated to be employed by the school  
290 district or a charter school in the district on September 1 of  
291 each year, which is that teacher's proportionate share of the  
292 total amount allocated to the district from state funds and  
293 funds received from local contributions. A job-share classroom  
294 teacher may receive a prorated share of the amount provided to a  
295 full-time classroom teacher. The school district shall calculate  
296 a prorated share of the funds for a classroom teacher who  
297 teaches less than full time. For a classroom teacher determined  
298 eligible on July 1, the district school board and each charter  
299 school board may provide the teacher with his or her total  
300 proportionate share by August 1 based on the estimate of the

301 number of teachers who will be employed on September 1. For a  
302 classroom teacher determined eligible after July 1, the district  
303 school board and each charter school board shall provide the  
304 teacher with his or her total proportionate share by September  
305 30. The proportionate share may be provided by any means  
306 determined appropriate by the district school board or charter  
307 school board, including, but not limited to, direct deposit,  
308 check, debit card, or purchasing card. If a debit card is used,  
309 an identifier must be placed on the front of the debit card  
310 which clearly indicates that the card has been issued for the  
311 Florida Teachers Classroom Supply Assistance Program.  
312 Expenditures under the program are not subject to state or local  
313 competitive bidding requirements. Funds received by a classroom  
314 teacher do not affect wages, hours, or terms and conditions of  
315 employment and, therefore, are not subject to collective  
316 bargaining. Any classroom teacher may decline receipt of or  
317 return the funds without explanation or cause.  
318 Section 6. This act shall take effect July 1, 2023.