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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2023	.	
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The Committee on Education Pre-K -12 (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (10), paragraph (a)
of subsection (20), and subsection (28) of section 1002.33,
Florida Statutes, are amended to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the



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11 following student populations:

12 1. Students who are siblings of a student enrolled in the
13 charter school.

14 2. Students who are the children of a member of the
15 governing board of the charter school.

16 3. Students who are the children of an employee of the
17 charter school.

18 4. Students who are the children of:

19 a. An employee of the business partner of a charter school-
20 in-the-workplace established under paragraph (15)(b) or a
21 resident of the municipality in which such charter school is
22 located; or

23 b. A resident or employee of a municipality that operates a
24 charter school-in-a-municipality pursuant to paragraph (15)(c)
25 or allows a charter school to use a school facility or portion
26 of land provided by the municipality for the operation of the
27 charter school.

28 5. Students who have successfully completed, during the
29 previous year, a voluntary prekindergarten education program
30 under ss. 1002.51-1002.79 provided by the charter school, the
31 charter school's governing board, or a voluntary prekindergarten
32 provider that has a written agreement with the governing board.

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

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

37 8. Students who are the children of a school safety officer
38 or officers assigned to the charter school.

39 (20) SERVICES.—



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40 (a)1. A sponsor shall provide certain administrative and
41 educational services to charter schools. These services shall
42 include contract management services; full-time equivalent and
43 data reporting services; exceptional student education
44 administration services; services related to eligibility and
45 reporting duties required to ensure that school lunch services
46 under the National School Lunch Program, consistent with the
47 needs of the charter school, are provided by the sponsor at the
48 request of the charter school, that any funds due to the charter
49 school under the National School Lunch Program be paid to the
50 charter school as soon as the charter school begins serving food
51 under the National School Lunch Program, and that the charter
52 school is paid at the same time and in the same manner under the
53 National School Lunch Program as other public schools serviced
54 by the sponsor or the school district; test administration
55 services, including payment of the costs of state-required or
56 district-required student assessments; processing of teacher
57 certificate data services; and information services, including
58 equal access to the sponsor's student information systems that
59 are used by public schools in the district in which the charter
60 school is located or by schools in the sponsor's portfolio of
61 charter schools if the sponsor is not a school district. Student
62 performance data for each student in a charter school,
63 including, but not limited to, FCAT scores, standardized test
64 scores, previous public school student report cards, and student
65 performance measures, shall be provided by the sponsor to a
66 charter school in the same manner provided to other public
67 schools in the district or by schools in the sponsor's portfolio
68 of charter schools if the sponsor is not a school district.



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69 2. A sponsor shall provide training on systems the sponsor
70 will require the charter school to use.

71 3. A sponsor may withhold an administrative fee for the
72 provision of such services which shall be a percentage of the
73 available funds defined in paragraph (17)(b) calculated based on
74 weighted full-time equivalent students. If the charter school
75 serves 75 percent or more exceptional education students as
76 defined in s. 1003.01(3), the percentage shall be calculated
77 based on unweighted full-time equivalent students. The
78 administrative fee shall be calculated as follows:

79 a. Up to 5 percent for:

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

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

84 (A) Includes conversion charter schools and nonconversion
85 charter schools.

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

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

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

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

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

94 b. Up to 2 percent for enrollment of up to and including
95 250 students in a high-performing charter school as defined in
96 s. 1002.331.

97 c. Up to 2 percent for enrollment of up to and including



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98 250 students in an exceptional student education center that
99 meets the requirements of the rules adopted by the State Board
100 of Education pursuant to s. 1008.3415(3).

101 ~~4.3.~~ A sponsor may not charge charter schools any
102 additional fees or surcharges for administrative and educational
103 services in addition to the maximum percentage of administrative
104 fees withheld pursuant to this paragraph. A sponsor may not
105 charge or withhold any administrative fee against a charter
106 school for any funds specifically allocated by the Legislature
107 for teacher compensation.

108 ~~5.4.~~ A sponsor shall provide to the department by September
109 15 of each year the total amount of funding withheld from
110 charter schools pursuant to this subsection for the prior fiscal
111 year. The department must include the information in the report
112 required under sub-sub-subparagraph (5)(b)1.k.(III).

113 6. A sponsor shall annually provide a report to its charter
114 schools on what services are being rendered from the sponsor's
115 portion of the administrative fee. The report must include the
116 listed services and be submitted to the department by September
117 15 of each year.

118 (28) RULEMAKING.—The Department of Education, after
119 consultation with sponsors and charter school directors, shall
120 recommend that the State Board of Education adopt rules to
121 implement specific subsections of this section. Such rules shall
122 require minimum paperwork and shall not limit charter school
123 flexibility authorized by statute. The State Board of Education
124 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
125 implement a standard charter application form, standard
126 application form for the replication of charter schools in a



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127 high-performing charter school system, standard evaluation
128 instrument, standard monitoring tool, and standard charter and
129 charter renewal contracts in accordance with this section.

130 Section 2. Subsection (1) and paragraph (a) of subsection
131 (7) of section 1012.56, Florida Statutes, are amended to read:

132 1012.56 Educator certification requirements.—

133 (1) APPLICATION.—Each person seeking certification pursuant
134 to this chapter shall submit a completed application containing
135 the applicant's social security number to the Department of
136 Education and remit the fee required pursuant to s. 1012.59 and
137 rules of the State Board of Education. Pursuant to the federal
138 Personal Responsibility and Work Opportunity Reconciliation Act
139 of 1996, each party is required to provide his or her social
140 security number in accordance with this section. Disclosure of
141 social security numbers obtained through this requirement is
142 limited to the purpose of administration of the Title IV-D
143 program of the Social Security Act for child support
144 enforcement.

145 (a) Pursuant to s. 120.60, the department shall issue
146 within 90 calendar days after receipt of the completed
147 application a professional certificate to a qualifying applicant
148 covering the classification, level, and area for which the
149 applicant is deemed qualified and a document explaining the
150 requirements for renewal of the professional certificate.

151 (b) The department shall issue a temporary certificate to a
152 qualifying applicant within 14 calendar days after receipt of a
153 request from an employer with a professional education
154 competence demonstration program pursuant to paragraphs (6) (f)
155 and (8) (b). The temporary certificate must cover the



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156 classification, level, and area for which the applicant is
157 deemed qualified. The department shall electronically notify the
158 applicant's employer that the temporary certificate has been
159 issued and provide the applicant an official statement of status
160 of eligibility at the time the certificate is issued.

161 (c) Pursuant to s. 120.60, the department shall issue
162 within 90 calendar days after receipt of the completed
163 application, if an applicant does not meet the requirements for
164 either certificate, an official statement of status of
165 eligibility.

166
167 The statement of status of eligibility must be provided
168 electronically and must advise the applicant of any
169 qualifications that must be completed to qualify for
170 certification. Each method by which an applicant can complete
171 the qualifications for a professional certificate must be
172 included in the statement of status of eligibility. Each
173 statement of status of eligibility is valid for 5 ~~3~~ years after
174 its date of issuance, except as provided in paragraph (2) (d).

175 (7) TYPES AND TERMS OF CERTIFICATION.—

176 (a) The Department of Education shall issue a professional
177 certificate for a period not to exceed 10 ~~5~~ years to any
178 applicant who fulfills one of the following:

179 1. Meets all the applicable requirements outlined in
180 subsection (2).

181 2. For a professional certificate covering grades 6 through
182 12:

183 a. Meets the applicable requirements of paragraphs (2) (a)-
184 (h).



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185 b. Holds a master's or higher degree in the area of
186 science, technology, engineering, or mathematics.
187 c. Teaches a high school course in the subject of the
188 advanced degree.
189 d. Is rated highly effective as determined by the teacher's
190 performance evaluation under s. 1012.34, based in part on
191 student performance as measured by a statewide, standardized
192 assessment or an Advanced Placement, Advanced International
193 Certificate of Education, or International Baccalaureate
194 examination.
195 e. Achieves a passing score on the Florida professional
196 education competency examination required by state board rule.
197 3. Meets the applicable requirements of paragraphs (2) (a)-
198 (f) ~~(2) (a)-(h)~~ and completes a professional preparation and
199 education competence program approved by the department pursuant
200 to paragraph (8) (c) or an educator preparation institute
201 approved by the department pursuant to s. 1004.85. An applicant
202 who completes one of these programs and is rated highly
203 effective as determined by his or her performance evaluation
204 under s. 1012.34 is not required to take or achieve a passing
205 score on the professional education competency examination in
206 order to be awarded a professional certificate.
207
208 At least 1 year before an individual's temporary
209 certificate is set to expire, the department shall
210 electronically notify the individual of the date on which
211 his or her certificate will expire and provide a list of
212 each method by which the qualifications for a professional
213 certificate can be completed. The State Board of Education



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214 shall adopt rules to allow the department to extend the
215 validity period of a temporary certificate for 2 years when
216 the requirements for the professional certificate were not
217 completed due to the serious illness or injury of the
218 applicant, the military service of an applicant's spouse,
219 other extraordinary extenuating circumstances, or if the
220 certificateholder is rated highly effective in the
221 immediate prior year's performance evaluation pursuant to
222 s. 1012.34 or has completed a 2-year mentorship program
223 pursuant to subsection (8). The department shall extend the
224 temporary certificate upon approval by the Commissioner of
225 Education. A written request for extension of the
226 certificate shall be submitted by the district school
227 superintendent, the governing authority of a university lab
228 school, the governing authority of a state-supported
229 school, or the governing authority of a private school.

230 Section 3. Subsections (1) and (3) of section 1012.71,
231 Florida Statutes, are amended to read:

232 1012.71 The Florida Teachers Classroom Supply Assistance
233 Program.—

234 (1) For purposes of the Florida Teachers Classroom Supply
235 Assistance Program, the term "classroom teacher" means a
236 certified teacher employed by a public school district or a
237 public charter school in that district on or before September 1
238 of each year whose full-time or job-share responsibility is the
239 classroom instruction of students in prekindergarten through
240 grade 12, including full-time media specialists and certified
241 school counselors serving students in prekindergarten through
242 grade 12, who are funded through the Florida Education Finance



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243 Program. A "job-share" classroom teacher is one of two teachers
244 whose combined full-time equivalent employment for the same
245 teaching assignment equals one full-time classroom teacher. The
246 term "classroom teacher" may also include an administrator or a
247 substitute teacher who holds a valid teaching certificate and
248 who is filling a vacancy in an identified teaching position on
249 or before September 1 of each year.

250 (3) From the funds allocated to each school district and
251 any funds received from local contributions for the Florida
252 Teachers Classroom Supply Assistance Program, the district
253 school board shall calculate an identical amount for each
254 classroom teacher who is estimated to be employed by the school
255 district or a charter school in the district on September 1 of
256 each year, which is that teacher's proportionate share of the
257 total amount allocated to the district from state funds and
258 funds received from local contributions. A job-share classroom
259 teacher may receive a prorated share of the amount provided to a
260 full-time classroom teacher. The school district shall calculate
261 a prorated share of the funds for a classroom teacher who
262 teaches less than full time. For a classroom teacher determined
263 eligible on July 1, the district school board and each charter
264 school board may provide the teacher with his or her total
265 proportionate share by August 1 based on the estimate of the
266 number of teachers who will be employed on September 1. For a
267 classroom teacher determined eligible after July 1, the district
268 school board and each charter school board shall provide the
269 teacher with his or her total proportionate share by September
270 30. The proportionate share may be provided by any means
271 determined appropriate by the district school board or charter



272 school board, including, but not limited to, direct deposit,
273 check, debit card, or purchasing card. If a debit card is used,
274 an identifier must be placed on the front of the debit card
275 which clearly indicates that the card has been issued for the
276 Florida Teachers Classroom Supply Assistance Program.
277 Expenditures under the program are not subject to state or local
278 competitive bidding requirements. Funds received by a classroom
279 teacher do not affect wages, hours, or terms and conditions of
280 employment and, therefore, are not subject to collective
281 bargaining. Any classroom teacher may decline receipt of or
282 return the funds without explanation or cause.

283 Section 4. This act shall take effect July 1, 2023.

284
285 ===== T I T L E A M E N D M E N T =====

286 And the title is amended as follows:

287 Delete everything before the enacting clause
288 and insert:

289 A bill to be entitled
290 An act relating to education; amending s. 1002.33,
291 F.S.; revising which students may be eligible for an
292 enrollment preference for charter schools; specifying
293 training and reporting requirements for charter school
294 sponsors; requiring the State Board of Education to
295 adopt rules to implement a standard monitoring tool;
296 amending s. 1012.56, F.S.; revising the length of time
297 for which a statement of status of eligibility is
298 valid; revising the length of time for which the
299 department may issue a professional certificate;
300 revising the requirements needed for a professional



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301 certificate; amending s. 1012.71, F.S.; revising the
302 definition of the term "classroom teacher"; revising
303 how a district school board calculates certain
304 teachers' shares of funds from the Florida Teachers
305 Classroom Supply Assistance Program; providing an
306 effective date.