

By Senator Burgess

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; requiring the Department of Education to develop
4 a review and evaluation form for charter schools which
5 meets specified criteria; providing requirements for
6 training that sponsors must provide to charter
7 schools; authorizing the department to request that
8 the State Board of Education withhold funding from a
9 sponsor under certain conditions; specifying reporting
10 requirements for sponsors; authorizing the department
11 to refund a portion of the administrative fee to
12 charter schools under certain conditions; amending s.
13 1012.56, F.S.; revising the length of time for which a
14 statement of status of eligibility is valid; revising
15 the length of time for which the department may issue
16 a professional certificate; revising the requirements
17 needed for a professional certificate; amending s.
18 1012.71, F.S.; revising the definition of the term
19 "classroom teacher"; revising how a district school
20 board calculates teachers' shares of funds from the
21 Florida Teachers Classroom Supply Assistance Program;
22 authorizing a school administrator or substitute
23 teacher to petition the department for Florida Teacher
24 Classroom Supply Assistance Program funds under
25 certain conditions; requiring the department to review
26 the petition and render a decision within a specified
27 timeframe; specifying applicability of other program
28 requirements; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Paragraph (b) of subsection (5) and paragraph
33 (a) of subsection (20) of section 1002.33, Florida Statutes, are
34 amended to read:

35 1002.33 Charter schools.—

36 (5) SPONSOR; DUTIES.—

37 (b) *Sponsor duties*.—

38 1.a. The sponsor shall monitor and review the charter
39 school in its progress toward the goals established in the
40 charter.

41 b. The sponsor shall monitor the revenues and expenditures
42 of the charter school and perform the duties provided in s.
43 1002.345.

44 c. The sponsor may approve a charter for a charter school
45 before the applicant has identified space, equipment, or
46 personnel, if the applicant indicates approval is necessary for
47 it to raise working funds.

48 d. The sponsor may not apply its policies to a charter
49 school unless mutually agreed to by both the sponsor and the
50 charter school. If the sponsor subsequently amends any agreed-
51 upon sponsor policy, the version of the policy in effect at the
52 time of the execution of the charter, or any subsequent
53 modification thereof, shall remain in effect and the sponsor may
54 not hold the charter school responsible for any provision of a
55 newly revised policy until the revised policy is mutually agreed
56 upon.

57 e. The sponsor shall ensure that the charter is innovative
58 and consistent with the state education goals established by s.

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59 1000.03(5).

60 f. The sponsor shall ensure that the charter school
61 participates in the state's education accountability system. If
62 a charter school falls short of performance measures included in
63 the approved charter, the sponsor shall report such shortcomings
64 to the Department of Education.

65 g. The sponsor is not liable for civil damages under state
66 law for personal injury, property damage, or death resulting
67 from an act or omission of an officer, employee, agent, or
68 governing body of the charter school.

69 h. The sponsor is not liable for civil damages under state
70 law for any employment actions taken by an officer, employee,
71 agent, or governing body of the charter school.

72 i. The sponsor's duties to monitor the charter school do
73 not constitute the basis for a private cause of action.

74 j. The sponsor may not impose additional reporting
75 requirements on a charter school as long as the charter school
76 has not been identified as having a deteriorating financial
77 condition or financial emergency pursuant to s. 1002.345.

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

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

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

85 (B) The date each application was approved, denied, or
86 withdrawn.

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

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88 (II) Annually, by November 1, the sponsor shall submit to
89 the department the information for the applications submitted
90 the previous year.

91 (III) (A) The department shall compile an annual report, by
92 sponsor, and post the report on its website by January 15 of
93 each year.

94 (B) The department shall develop a standardized annual
95 periodic review and evaluation form to be completed by sponsors
96 which meets the standard charter contract's or virtual charter
97 contract's criteria. Any term or condition of a proposed charter
98 annual periodic review and evaluation form or proposed virtual
99 charter annual periodic review and evaluation form which differs
100 from the standard annual periodic review and evaluation form or
101 virtual charter annual periodic review and evaluation form
102 adopted by rule of the State Board of Education shall be
103 presumed a limitation on charter school flexibility.

104 2. Immunity for the sponsor of a charter school under
105 subparagraph 1. applies only with respect to acts or omissions
106 not under the sponsor's direct authority as described in this
107 section.

108 3. This paragraph does not waive a sponsor's sovereign
109 immunity.

110 4. A Florida College System institution may work with the
111 school district or school districts in its designated service
112 area to develop charter schools that offer secondary education.
113 These charter schools must include an option for students to
114 receive an associate degree upon high school graduation. If a
115 Florida College System institution operates an approved teacher
116 preparation program under s. 1004.04 or s. 1004.85, the

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117 institution may operate charter schools that serve students in
118 kindergarten through grade 12 in any school district within the
119 service area of the institution. District school boards shall
120 cooperate with and assist the Florida College System institution
121 on the charter application. Florida College System institution
122 applications for charter schools are not subject to the time
123 deadlines outlined in subsection (6) and may be approved by the
124 district school board at any time during the year. Florida
125 College System institutions may not report FTE for any students
126 participating under this subparagraph who receive FTE funding
127 through the Florida Education Finance Program.

128 5. For purposes of assisting the development of a charter
129 school, a school district may enter into nonexclusive interlocal
130 agreements with federal and state agencies, counties,
131 municipalities, and other governmental entities that operate
132 within the geographical borders of the school district to act on
133 behalf of such governmental entities in the inspection,
134 issuance, and other necessary activities for all necessary
135 permits, licenses, and other permissions that a charter school
136 needs in order for development, construction, or operation. A
137 charter school may use, but may not be required to use, a school
138 district for these services. The interlocal agreement must
139 include, but need not be limited to, the identification of fees
140 that charter schools will be charged for such services. The fees
141 must consist of the governmental entity's fees plus a fee for
142 the school district to recover no more than actual costs for
143 providing such services. These services and fees are not
144 included within the services to be provided pursuant to
145 subsection (20). Notwithstanding any other provision of law, an

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146 interlocal agreement or ordinance that imposes a greater
147 regulatory burden on charter schools than school districts or
148 that prohibits or limits the creation of a charter school is
149 void and unenforceable. An interlocal agreement entered into by
150 a school district for the development of only its own schools,
151 including provisions relating to the extension of
152 infrastructure, may be used by charter schools.

153 6. The board of trustees of a sponsoring state university
154 or Florida College System institution under paragraph (a) is the
155 local educational agency for all charter schools it sponsors for
156 purposes of receiving federal funds and accepts full
157 responsibility for all local educational agency requirements and
158 the schools for which it will perform local educational agency
159 responsibilities. A student enrolled in a charter school that is
160 sponsored by a state university or Florida College System
161 institution may not be included in the calculation of the school
162 district's grade under s. 1008.34(5) for the school district in
163 which he or she resides.

164 (20) SERVICES.—

165 (a)1. A sponsor shall provide certain administrative and
166 educational services to charter schools. These services shall
167 include contract management services; full-time equivalent and
168 data reporting services; exceptional student education
169 administration services; services related to eligibility and
170 reporting duties required to ensure that school lunch services
171 under the National School Lunch Program, consistent with the
172 needs of the charter school, are provided by the sponsor at the
173 request of the charter school, that any funds due to the charter
174 school under the National School Lunch Program be paid to the

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175 charter school as soon as the charter school begins serving food
176 under the National School Lunch Program, and that the charter
177 school is paid at the same time and in the same manner under the
178 National School Lunch Program as other public schools serviced
179 by the sponsor or the school district; test administration
180 services, including payment of the costs of state-required or
181 district-required student assessments; processing of teacher
182 certificate data services; and information services, including
183 equal access to the sponsor's student information systems that
184 are used by public schools in the district in which the charter
185 school is located or by schools in the sponsor's portfolio of
186 charter schools if the sponsor is not a school district. Student
187 performance data for each student in a charter school,
188 including, but not limited to, FCAT scores, standardized test
189 scores, previous public school student report cards, and student
190 performance measures, shall be provided by the sponsor to a
191 charter school in the same manner provided to other public
192 schools in the district or by schools in the sponsor's portfolio
193 of charter schools if the sponsor is not a school district.

194 2. A sponsor shall provide training to charter schools on
195 any statutory requirements, systems the sponsor will require
196 charter schools to use, and rule changes from the department to
197 the same extent that the sponsor provides training to employees
198 of that sponsor. The sponsor shall notify charter schools of
199 open vacancies for training in the district and must allow them
200 to participate. If a sponsor does not allow a charter school to
201 participate in the trainings specified in this subparagraph, the
202 department may ask the State Board of Education to withhold
203 funding.

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204 3. A sponsor may withhold an administrative fee for the
205 provision of such services which shall be a percentage of the
206 available funds defined in paragraph (17)(b) calculated based on
207 weighted full-time equivalent students. If the charter school
208 serves 75 percent or more exceptional education students as
209 defined in s. 1003.01(3), the percentage shall be calculated
210 based on unweighted full-time equivalent students. The
211 administrative fee shall be calculated as follows:

212 a. Up to 5 percent for:

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

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

217 (A) Includes conversion charter schools and nonconversion
218 charter schools.

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

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

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

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

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

227 b. Up to 2 percent for enrollment of up to and including
228 250 students in a high-performing charter school as defined in
229 s. 1002.331.

230 c. Up to 2 percent for enrollment of up to and including
231 250 students in an exceptional student education center that
232 meets the requirements of the rules adopted by the State Board

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233 of Education pursuant to s. 1008.3415(3).

234 ~~4.3.~~ A sponsor may not charge charter schools any
235 additional fees or surcharges for administrative and educational
236 services in addition to the maximum percentage of administrative
237 fees withheld pursuant to this paragraph. A sponsor may not
238 charge or withhold any administrative fee against a charter
239 school for any funds specifically allocated by the Legislature
240 for teacher compensation.

241 ~~5.4.~~ A sponsor shall provide to the department by September
242 15 of each year the total amount of funding withheld from
243 charter schools pursuant to this subsection for the prior fiscal
244 year. The department must include the information in the report
245 required under sub-sub-subparagraph (5) (b)1.k.(III).

246 6. A sponsor shall annually provide a report to its charter
247 schools on what services are being rendered from the sponsor's
248 portion of the administrative fee. The report must include the
249 listed services and be submitted to the department by September
250 15 of each year. Upon the department's review of the report, it
251 may withdraw the district's portion of the administrative fee if
252 the department determines that services are not being rendered.
253 Any withdrawn funds shall be refunded to the appropriate charter
254 schools within 30 days of such a determination.

255 Section 2. Subsection (1) and paragraph (a) of subsection
256 (7) of section 1012.56, Florida Statutes, are amended to read:
257 1012.56 Educator certification requirements.—

258 (1) APPLICATION.—Each person seeking certification pursuant
259 to this chapter shall submit a completed application containing
260 the applicant's social security number to the Department of
261 Education and remit the fee required pursuant to s. 1012.59 and

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262 rules of the State Board of Education. Pursuant to the federal
263 Personal Responsibility and Work Opportunity Reconciliation Act
264 of 1996, each party is required to provide his or her social
265 security number in accordance with this section. Disclosure of
266 social security numbers obtained through this requirement is
267 limited to the purpose of administration of the Title IV-D
268 program of the Social Security Act for child support
269 enforcement.

270 (a) Pursuant to s. 120.60, the department shall issue
271 within 90 calendar days after receipt of the completed
272 application a professional certificate to a qualifying applicant
273 covering the classification, level, and area for which the
274 applicant is deemed qualified and a document explaining the
275 requirements for renewal of the professional certificate.

276 (b) The department shall issue a temporary certificate to a
277 qualifying applicant within 14 calendar days after receipt of a
278 request from an employer with a professional education
279 competence demonstration program pursuant to paragraphs (6)(f)
280 and (8)(b). The temporary certificate must cover the
281 classification, level, and area for which the applicant is
282 deemed qualified. The department shall electronically notify the
283 applicant's employer that the temporary certificate has been
284 issued and provide the applicant an official statement of status
285 of eligibility at the time the certificate is issued.

286 (c) Pursuant to s. 120.60, the department shall issue
287 within 90 calendar days after receipt of the completed
288 application, if an applicant does not meet the requirements for
289 either certificate, an official statement of status of
290 eligibility.

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291
292 The statement of status of eligibility must be provided
293 electronically and must advise the applicant of any
294 qualifications that must be completed to qualify for
295 certification. Each method by which an applicant can complete
296 the qualifications for a professional certificate must be
297 included in the statement of status of eligibility. Each
298 statement of status of eligibility is valid for 5 ~~3~~ years after
299 its date of issuance, except as provided in paragraph (2)(d).

300 (7) TYPES AND TERMS OF CERTIFICATION.—

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

304 1. Meets all the applicable requirements outlined in
305 subsection (2).

306 2. For a professional certificate covering grades 6 through
307 12:

308 a. Meets the applicable requirements of paragraphs (2)(a)-
309 (h).

310 b. Holds a master's or higher degree in the area of
311 science, technology, engineering, or mathematics.

312 c. Teaches a high school course in the subject of the
313 advanced degree.

314 d. Is rated highly effective as determined by the teacher's
315 performance evaluation under s. 1012.34, based in part on
316 student performance as measured by a statewide, standardized
317 assessment or an Advanced Placement, Advanced International
318 Certificate of Education, or International Baccalaureate
319 examination.

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320 e. Achieves a passing score on the Florida professional
321 education competency examination required by state board rule.

322 3. Meets the applicable requirements of paragraphs (2) (a)-
323 (f) ~~(2) (a) (h)~~ and completes a professional preparation and
324 education competence program approved by the department pursuant
325 to paragraph (8) (c) or an educator preparation institute
326 approved by the department pursuant to s. 1004.85. An applicant
327 who completes one of these programs and is rated highly
328 effective as determined by his or her performance evaluation
329 under s. 1012.34 is not required to take or achieve a passing
330 score on the professional education competency examination in
331 order to be awarded a professional certificate.

332
333 At least 1 year before an individual's temporary
334 certificate is set to expire, the department shall
335 electronically notify the individual of the date on which
336 his or her certificate will expire and provide a list of
337 each method by which the qualifications for a professional
338 certificate can be completed. The State Board of Education
339 shall adopt rules to allow the department to extend the
340 validity period of a temporary certificate for 2 years when
341 the requirements for the professional certificate were not
342 completed due to the serious illness or injury of the
343 applicant, the military service of an applicant's spouse,
344 other extraordinary extenuating circumstances, or if the
345 certificateholder is rated highly effective in the
346 immediate prior year's performance evaluation pursuant to
347 s. 1012.34 or has completed a 2-year mentorship program
348 pursuant to subsection (8). The department shall extend the

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349 temporary certificate upon approval by the Commissioner of
350 Education. A written request for extension of the
351 certificate shall be submitted by the district school
352 superintendent, the governing authority of a university lab
353 school, the governing authority of a state-supported
354 school, or the governing authority of a private school.

355 Section 3. Subsections (1) and (3) of section 1012.71,
356 Florida Statutes, are amended, and subsection (7) is added to
357 that section, to read:

358 1012.71 The Florida Teachers Classroom Supply Assistance
359 Program.—

360 (1) For purposes of the Florida Teachers Classroom Supply
361 Assistance Program, the term "classroom teacher" means a
362 certified teacher employed by a public school district or a
363 public charter school in that district on or before September 1
364 of each year whose full-time or job-share responsibility is the
365 classroom instruction of students in prekindergarten through
366 grade 12, including full-time media specialists and certified
367 school counselors serving students in prekindergarten through
368 grade 12, who are funded through the Florida Education Finance
369 Program. A "job-share" classroom teacher is one of two teachers
370 whose combined full-time equivalent employment for the same
371 teaching assignment equals one full-time classroom teacher. The
372 term "classroom teacher" may also include an administrator or a
373 substitute teacher who is filling a vacancy in an identified
374 teaching position on or before September 1 of each year who
375 holds a valid teaching certificate.

376 (3) From the funds allocated to each school district and
377 any funds received from local contributions for the Florida

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378 Teachers Classroom Supply Assistance Program, the district
379 school board shall calculate an identical amount for each
380 classroom teacher who is estimated to be employed by the school
381 district or a charter school in the district on September 1 of
382 each year, which is that teacher's proportionate share of the
383 total amount allocated to the district from state funds and
384 funds received from local contributions. A job-share classroom
385 teacher may receive a prorated share of the amount provided to a
386 full-time classroom teacher. The school district shall calculate
387 a prorated share of the funds to a classroom teacher who teaches
388 less than full time. For a classroom teacher determined eligible
389 on July 1, the district school board and each charter school
390 board may provide the teacher with his or her total
391 proportionate share by August 1 based on the estimate of the
392 number of teachers who will be employed on September 1. For a
393 classroom teacher determined eligible after July 1, the district
394 school board and each charter school board shall provide the
395 teacher with his or her total proportionate share by September
396 30. The proportionate share may be provided by any means
397 determined appropriate by the district school board or charter
398 school board, including, but not limited to, direct deposit,
399 check, debit card, or purchasing card. If a debit card is used,
400 an identifier must be placed on the front of the debit card
401 which clearly indicates that the card has been issued for the
402 Florida Teachers Classroom Supply Assistance Program.
403 Expenditures under the program are not subject to state or local
404 competitive bidding requirements. Funds received by a classroom
405 teacher do not affect wages, hours, or terms and conditions of
406 employment and, therefore, are not subject to collective

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407 bargaining. Any classroom teacher may decline receipt of or
408 return the funds without explanation or cause.

409 (7) (a) An administrator or a substitute teacher acting
410 dually as a classroom teacher to fill a vacancy in an identified
411 teaching position on or before September 1 of each year who
412 holds a valid teaching certification may petition the
413 department, on a form developed by the department, for that
414 classroom teacher's portion of the Florida Teacher Classroom
415 Supply Assistance Program allocation. The department shall
416 review the petition to determine the validity of the vacancy and
417 that the administrator or substitute teacher meets the
418 requirements specified in this section. The department must
419 render a decision to the applicant and the appropriate district
420 within 30 days on any petition made pursuant to this paragraph.

421 (b) An applicant whose petition is approved pursuant to
422 paragraph (a) is otherwise subject to all other requirements set
423 forth in this section.

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