

**By** the Appropriations Committee on Education; the Committee on Education Pre-K -12; and 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.; revising which students may be eligible for an  
4       enrollment preference for charter schools; revising  
5       requirements relating to the funding of students  
6       enrolled in charter schools and reimbursement of such  
7       funds by the sponsor; specifying training and  
8       reporting requirements for charter school sponsors;  
9       requiring the State Board of Education to adopt rules  
10      to implement a standard monitoring tool; amending s.  
11      1002.43, F.S.; authorizing the provision of private  
12      tutoring to up to a specified number of students in  
13      certain facilities; amending s. 1003.02, F.S.;  
14      requiring that a poster containing specified  
15      information relating to choking be placed in public  
16      school cafeterias; requiring that the posters be  
17      easily visible and prominently placed; amending s.  
18      1012.71, F.S.; revising the definition of the term  
19      "classroom teacher"; revising how a district school  
20      board calculates certain teachers' shares of funds  
21      from the Florida Teachers Classroom Supply Assistance  
22      Program; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Paragraph (d) of subsection (10), paragraph (e)  
27      of subsection (17), paragraph (a) of subsection (20), and  
28      subsection (28) of section 1002.33, Florida Statutes, are  
29      amended to read:

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30 1002.33 Charter schools.—

31 (10) ELIGIBLE STUDENTS.—

32 (d) A charter school may give enrollment preference to the  
33 following student populations:

34 1. Students who are siblings of a student enrolled in the  
35 charter school.

36 2. Students who are the children of a member of the  
37 governing board of the charter school.

38 3. Students who are the children of an employee of the  
39 charter school.

40 4. Students who are the children of:

41 a. An employee of the business partner of a charter school-  
42 in-the-workplace established under paragraph (15) (b) or a  
43 resident of the municipality in which such charter school is  
44 located; or

45 b. A resident or employee of a municipality that operates a  
46 charter school-in-a-municipality pursuant to paragraph (15) (c)  
47 or allows a charter school to use a school facility or portion  
48 of land provided by the municipality for the operation of the  
49 charter school.

50 5. Students who have successfully completed, during the  
51 previous year, a voluntary prekindergarten education program  
52 under ss. 1002.51-1002.79 provided by the charter school, the  
53 charter school's governing board, or a voluntary prekindergarten  
54 provider that has a written agreement with the governing board.

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

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

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

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

66       (e) Sponsors shall make timely and efficient payment and  
67 reimbursement to charter schools, including processing paperwork  
68 required to access special state and federal funding for which  
69 they may be eligible, including the timely review and  
70 reimbursement of federal grant funds. Payments of funds under  
71 paragraph (b) must ~~shall~~ be made monthly or twice a month,  
72 beginning with the start of the sponsor's fiscal year. Each  
73 payment must ~~shall~~ be one-twelfth, or one twenty-fourth, as  
74 applicable, of the total state and local funds described in  
75 paragraph (b) and adjusted as set forth therein. For the first 2  
76 years of a charter school's operation, if a minimum of 75  
77 percent of the projected enrollment is entered into the  
78 sponsor's student information system by the first day of the  
79 current month, the sponsor must ~~shall~~ distribute funds to the  
80 school for the months of July through October based on the  
81 projected full-time equivalent student membership of the charter  
82 school as submitted in the approved application. If less than 75  
83 percent of the projected enrollment is entered into the  
84 sponsor's student information system by the first day of the  
85 current month, the sponsor must ~~shall~~ base payments on the  
86 actual number of student enrollment entered into the sponsor's  
87 student information system. Thereafter, the results of full-time

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88 equivalent student membership surveys must ~~shall~~ be used in  
89 adjusting the amount of funds distributed monthly to the charter  
90 school for the remainder of the fiscal year. The payments must  
91 ~~shall~~ be issued no later than 10 working days after the sponsor  
92 receives a distribution of state or federal funds or the date  
93 the payment is due pursuant to this subsection. With respect to  
94 federal grant funds submitted for reimbursement, the sponsor  
95 shall have 60 days after the date of the submittal to fund them,  
96 if the submittal provides all the necessary information to  
97 qualify for reimbursement. If a warrant for payment is not  
98 issued within 10 working days after receipt of funding by the  
99 sponsor, or within 60 days after an approved submittal for the  
100 reimbursement of federal grant funds, the sponsor must ~~shall~~ pay  
101 to the charter school, in addition to the amount of the  
102 scheduled disbursement, interest at a rate of 1 percent per  
103 month calculated on a daily basis on the unpaid balance from the  
104 expiration of the 10 working days until such time as the warrant  
105 is issued. The district school board may not delay payment to a  
106 charter school of any portion of the funds provided in paragraph  
107 (b) based on the timing of receipt of local funds by the  
108 district school board.

109 (20) SERVICES.—

110 (a)1. A sponsor shall provide certain administrative and  
111 educational services to charter schools. These services shall  
112 include contract management services; full-time equivalent and  
113 data reporting services; exceptional student education  
114 administration services; services related to eligibility and  
115 reporting duties required to ensure that school lunch services  
116 under the National School Lunch Program, consistent with the

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

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

141 3. A sponsor may withhold an administrative fee for the  
142 provision of such services which shall be a percentage of the  
143 available funds defined in paragraph (17)(b) calculated based on  
144 weighted full-time equivalent students. If the charter school  
145 serves 75 percent or more exceptional education students as

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146 defined in s. 1003.01(3), the percentage shall be calculated  
147 based on unweighted full-time equivalent students. The  
148 administrative fee shall be calculated as follows:

149 a. Up to 5 percent for:

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

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

154 (A) Includes conversion charter schools and nonconversion  
155 charter schools.

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

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

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

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

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

164 b. Up to 2 percent for enrollment of up to and including  
165 250 students in a high-performing charter school as defined in  
166 s. 1002.331.

167 c. Up to 2 percent for enrollment of up to and including  
168 250 students in an exceptional student education center that  
169 meets the requirements of the rules adopted by the State Board  
170 of Education pursuant to s. 1008.3415(3).

171 ~~4.3.~~ A sponsor may not charge charter schools any  
172 additional fees or surcharges for administrative and educational  
173 services in addition to the maximum percentage of administrative  
174 fees withheld pursuant to this paragraph. A sponsor may not

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175 charge or withhold any administrative fee against a charter  
176 school for any funds specifically allocated by the Legislature  
177 for teacher compensation.

178 ~~5.4.~~ A sponsor shall provide to the department by September  
179 15 of each year the total amount of funding withheld from  
180 charter schools pursuant to this subsection for the prior fiscal  
181 year. The department must include the information in the report  
182 required under sub-sub-subparagraph (5)(b)1.k.(III).

183 6. A sponsor shall annually provide a report to its charter  
184 schools on what services are being rendered from the sponsor's  
185 portion of the administrative fee. The report must include the  
186 listed services and be submitted to the department by September  
187 15 of each year.

188 (28) RULEMAKING.—The Department of Education, after  
189 consultation with sponsors and charter school directors, shall  
190 recommend that the State Board of Education adopt rules to  
191 implement specific subsections of this section. Such rules shall  
192 require minimum paperwork and shall not limit charter school  
193 flexibility authorized by statute. The State Board of Education  
194 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to  
195 implement a standard charter application form, standard  
196 application form for the replication of charter schools in a  
197 high-performing charter school system, standard evaluation  
198 instrument, standard monitoring tool, and standard charter and  
199 charter renewal contracts in accordance with this section.

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

202 1002.43 Private tutoring programs.—

203 (3) Private tutoring may be provided to no more than 25

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204 students at one time in any commercial building with a valid  
205 certificate of occupancy, including, but not limited to, a  
206 library, community center, museum, performing arts center,  
207 theatre, cinema, or church facility; any facility or land owned  
208 by a Florida College System institution or university; any  
209 similar public institution facilities; and any facility recently  
210 used to house a school or child care facility licensed under s.  
211 402.305 within the preexisting zoning and land use designations  
212 of the facility without obtaining a special exception, rezoning,  
213 or a land use change so long as the provision of such tutoring  
214 meets all applicable state and local health, safety, and welfare  
215 laws, codes, and rules, including those related to firesafety  
216 and building safety.

217 Section 3. Paragraph (k) is added to subsection (1) of  
218 section 1003.02, Florida Statutes, to read:

219 1003.02 District school board operation and control of  
220 public K-12 education within the school district.—As provided in  
221 part II of chapter 1001, district school boards are  
222 constitutionally and statutorily charged with the operation and  
223 control of public K-12 education within their school districts.  
224 The district school boards must establish, organize, and operate  
225 their public K-12 schools and educational programs, employees,  
226 and facilities. Their responsibilities include staff  
227 development, public K-12 school student education including  
228 education for exceptional students and students in juvenile  
229 justice programs, special programs, adult education programs,  
230 and career education programs. Additionally, district school  
231 boards must:

232 (1) Provide for the proper accounting for all students of



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233 school age, for the attendance and control of students at  
234 school, and for proper attention to health, safety, and other  
235 matters relating to the welfare of students in the following  
236 areas:

237 (k) Instructions on emergency first aid for choking.-  
238 Require that a poster that contains step-by-step instructions on  
239 how to provide emergency first aid for choking on conscious  
240 individuals be posted in each public school cafeteria within the  
241 school district. The poster must be easily visible and  
242 prominently placed.

243 Section 4. Subsections (1) and (3) of section 1012.71,  
244 Florida Statutes, are amended to read:

245 1012.71 The Florida Teachers Classroom Supply Assistance  
246 Program.-

247 (1) For purposes of the Florida Teachers Classroom Supply  
248 Assistance Program, the term "classroom teacher" means a  
249 certified teacher employed by a public school district or a  
250 public charter school in that district on or before September 1  
251 of each year whose full-time or job-share responsibility is the  
252 classroom instruction of students in prekindergarten through  
253 grade 12, including full-time media specialists and certified  
254 school counselors serving students in prekindergarten through  
255 grade 12, who are funded through the Florida Education Finance  
256 Program. A "job-share" classroom teacher is one of two teachers  
257 whose combined full-time equivalent employment for the same  
258 teaching assignment equals one full-time classroom teacher. The  
259 term "classroom teacher" may also include an administrator or a  
260 substitute teacher who holds a valid teaching certificate and  
261 who is filling a vacancy in an identified teaching position on

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262 or before September 1 of each year.

263 (3) From the funds allocated to each school district and  
264 any funds received from local contributions for the Florida  
265 Teachers Classroom Supply Assistance Program, the district  
266 school board shall calculate an identical amount for each  
267 classroom teacher who is estimated to be employed by the school  
268 district or a charter school in the district on September 1 of  
269 each year, which is that teacher's proportionate share of the  
270 total amount allocated to the district from state funds and  
271 funds received from local contributions. A job-share classroom  
272 teacher may receive a prorated share of the amount provided to a  
273 full-time classroom teacher. The school district shall calculate  
274 a prorated share of the funds for a classroom teacher who  
275 teaches less than full time. For a classroom teacher determined  
276 eligible on July 1, the district school board and each charter  
277 school board may provide the teacher with his or her total  
278 proportionate share by August 1 based on the estimate of the  
279 number of teachers who will be employed on September 1. For a  
280 classroom teacher determined eligible after July 1, the district  
281 school board and each charter school board shall provide the  
282 teacher with his or her total proportionate share by September  
283 30. The proportionate share may be provided by any means  
284 determined appropriate by the district school board or charter  
285 school board, including, but not limited to, direct deposit,  
286 check, debit card, or purchasing card. If a debit card is used,  
287 an identifier must be placed on the front of the debit card  
288 which clearly indicates that the card has been issued for the  
289 Florida Teachers Classroom Supply Assistance Program.  
290 Expenditures under the program are not subject to state or local

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291 competitive bidding requirements. Funds received by a classroom  
292 teacher do not affect wages, hours, or terms and conditions of  
293 employment and, therefore, are not subject to collective  
294 bargaining. Any classroom teacher may decline receipt of or  
295 return the funds without explanation or cause.

296 Section 5. This act shall take effect July 1, 2023.