

By the Committee on Fiscal Policy; the Appropriations Committee on Education; the Committee on Education Pre-K -12; and Senator Burgess

594-04293-23

2023986c3

1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; revising which students may be given an
4 enrollment preference by charter schools; authorizing
5 certain charter schools to use unrestricted current or
6 capital assets for certain other charter schools
7 through an unforgivable loan with specified terms;
8 revising requirements relating to the funding of
9 students enrolled in charter schools and reimbursement
10 of such funds by the sponsor; specifying training and
11 reporting requirements for charter school sponsors;
12 requiring the State Board of Education to adopt rules
13 to implement a standard monitoring tool; amending s.
14 1002.43, F.S.; authorizing the provision of private
15 tutoring to up to a specified number of students in
16 certain facilities; amending s. 1003.02, F.S.;
17 requiring that posters containing specified
18 information relating to choking be placed in each
19 public school cafeteria; requiring that the posters be
20 easily visible and prominently placed; amending s.
21 1012.71, F.S.; revising the definition of the term
22 "classroom teacher"; revising how a district school
23 board calculates certain teachers' shares of funds
24 from the Florida Teachers Classroom Supply Assistance
25 Program; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28 Section 1. Paragraph (d) of subsection (10), paragraphs (b)
29 and (e) of subsection (17), paragraph (a) of subsection (20),

594-04293-23

2023986c3

30 and subsection (28) of section 1002.33, Florida Statutes, are
31 amended to read:

32 1002.33 Charter schools.—

33 (10) ELIGIBLE STUDENTS.—

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

36 1. Students who are siblings of a student enrolled in the
37 charter school.

38 2. Students who are the children of a member of the
39 governing board of the charter school.

40 3. Students who are the children of an employee of the
41 charter school.

42 4. Students who are the children of:

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

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

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

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

594-04293-23

2023986c3

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

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

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

68 (b)1. The basis for the agreement for funding students
69 enrolled in a charter school shall be the sum of the school
70 district's operating funds from the Florida Education Finance
71 Program as provided in s. 1011.62 and the General Appropriations
72 Act, including gross state and local funds, discretionary
73 lottery funds, and funds from the school district's current
74 operating discretionary millage levy; divided by total funded
75 weighted full-time equivalent students in the school district;
76 and multiplied by the weighted full-time equivalent students for
77 the charter school. Charter schools whose students or programs
78 meet the eligibility criteria in law are entitled to their
79 proportionate share of categorical program funds included in the
80 total funds available in the Florida Education Finance Program
81 by the Legislature, including transportation, and the evidence-
82 based reading allocation. Total funding for each charter school
83 shall be recalculated during the year to reflect the revised
84 calculations under the Florida Education Finance Program by the
85 state and the actual weighted full-time equivalent students
86 reported by the charter school during the full-time equivalent
87 student survey periods designated by the Commissioner of

594-04293-23

2023986c3

88 Education. For charter schools operated by a not-for-profit or
89 municipal entity, any unrestricted current and capital assets
90 identified in the charter school's annual financial audit may be
91 used for other charter schools operated by the not-for-profit or
92 municipal entity within the school district. For charter schools
93 operated by a not-for-profit entity, any unrestricted current or
94 capital assets identified in the charter school's annual audit
95 may be used for other charter schools operated by the not-for
96 profit entity which are located outside of the originating
97 charter school's school district, but within this state, through
98 an unforgivable loan that must be repaid within 5 years to the
99 originating charter school by the receiving charter school.

100 Unrestricted current assets shall be used in accordance with s.
101 1011.62, and any unrestricted capital assets shall be used in
102 accordance with s. 1013.62(2).

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

594-04293-23

2023986c3

117 Florida College System institution sponsoring a charter school
118 shall use for purposes of calculating the funding amount for
119 each eligible charter school student. The total amount obtained
120 from the calculation must be appropriated from state funds in
121 the General Appropriations Act to the charter school.

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

126 (e) Sponsors shall make timely and efficient payment and
127 reimbursement to charter schools, including processing paperwork
128 required to access special state and federal funding for which
129 they may be eligible, including the timely review and
130 reimbursement of federal grant funds. Payments of funds under
131 paragraph (b) must ~~shall~~ be made monthly or twice a month,
132 beginning with the start of the sponsor's fiscal year. Each
133 payment must ~~shall~~ be one-twelfth, or one twenty-fourth, as
134 applicable, of the total state and local funds described in
135 paragraph (b) and adjusted as set forth therein. For the first 2
136 years of a charter school's operation, if a minimum of 75
137 percent of the projected enrollment is entered into the
138 sponsor's student information system by the first day of the
139 current month, the sponsor must ~~shall~~ distribute funds to the
140 school for the months of July through October based on the
141 projected full-time equivalent student membership of the charter
142 school as submitted in the approved application. If less than 75
143 percent of the projected enrollment is entered into the
144 sponsor's student information system by the first day of the
145 current month, the sponsor must ~~shall~~ base payments on the

594-04293-23

2023986c3

146 actual number of student enrollment entered into the sponsor's
147 student information system. Thereafter, the results of full-time
148 equivalent student membership surveys must ~~shall~~ be used in
149 adjusting the amount of funds distributed monthly to the charter
150 school for the remainder of the fiscal year. The payments must
151 ~~shall~~ be issued no later than 10 working days after the sponsor
152 receives a distribution of state or federal funds or the date
153 the payment is due pursuant to this subsection. With respect to
154 federal grant funds submitted for reimbursement, the sponsor
155 shall have 60 days after the date of the submittal to fund them,
156 if the submittal provides all the necessary information to
157 qualify for reimbursement. If a warrant for payment is not
158 issued within 10 working days after receipt of funding by the
159 sponsor, or within 60 days after an approved submittal for the
160 reimbursement of federal grant funds, the sponsor must ~~shall~~ pay
161 to the charter school, in addition to the amount of the
162 scheduled disbursement, interest at a rate of 1 percent per
163 month calculated on a daily basis on the unpaid balance from the
164 expiration of the 10 working days until such time as the warrant
165 is issued. The district school board may not delay payment to a
166 charter school of any portion of the funds provided in paragraph
167 (b) based on the timing of receipt of local funds by the
168 district school board.

169 (20) SERVICES.—

170 (a)1. A sponsor shall provide certain administrative and
171 educational services to charter schools. These services shall
172 include contract management services; full-time equivalent and
173 data reporting services; exceptional student education
174 administration services; services related to eligibility and

594-04293-23

2023986c3

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

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

201 3. A sponsor may withhold an administrative fee for the
202 provision of such services which shall be a percentage of the
203 available funds defined in paragraph (17) (b) calculated based on

594-04293-23

2023986c3

204 weighted full-time equivalent students. If the charter school
205 serves 75 percent or more exceptional education students as
206 defined in s. 1003.01(3), the percentage shall be calculated
207 based on unweighted full-time equivalent students. The
208 administrative fee shall be calculated as follows:

209 a. Up to 5 percent for:

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

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

214 (A) Includes conversion charter schools and nonconversion
215 charter schools.

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

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

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

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

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

224 b. Up to 2 percent for enrollment of up to and including
225 250 students in a high-performing charter school as defined in
226 s. 1002.331.

227 c. Up to 2 percent for enrollment of up to and including
228 250 students in an exceptional student education center that
229 meets the requirements of the rules adopted by the State Board
230 of Education pursuant to s. 1008.3415(3).

231 ~~4.3.~~ A sponsor may not charge charter schools any
232 additional fees or surcharges for administrative and educational

594-04293-23

2023986c3

233 services in addition to the maximum percentage of administrative
234 fees withheld pursuant to this paragraph. A sponsor may not
235 charge or withhold any administrative fee against a charter
236 school for any funds specifically allocated by the Legislature
237 for teacher compensation.

238 ~~5.4.~~ A sponsor shall provide to the department by September
239 15 of each year the total amount of funding withheld from
240 charter schools pursuant to this subsection for the prior fiscal
241 year. The department must include the information in the report
242 required under sub-sub-subparagraph (5) (b)1.k. (III).

243 6. A sponsor shall annually provide a report to its charter
244 schools on what services are being rendered from the sponsor's
245 portion of the administrative fee. The report must include the
246 listed services and be submitted to the department by September
247 15 of each year.

248 (28) RULEMAKING.—The Department of Education, after
249 consultation with sponsors and charter school directors, shall
250 recommend that the State Board of Education adopt rules to
251 implement specific subsections of this section. Such rules shall
252 require minimum paperwork and shall not limit charter school
253 flexibility authorized by statute. The State Board of Education
254 shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to
255 implement a standard charter application form, standard
256 application form for the replication of charter schools in a
257 high-performing charter school system, standard evaluation
258 instrument, standard monitoring tool, and standard charter and
259 charter renewal contracts in accordance with this section.

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

594-04293-23

2023986c3

262 1002.43 Private tutoring programs.—

263 (3) Private tutoring may be provided to no more than 25
264 students at one time in any commercial building with a valid
265 certificate of occupancy, including, but not limited to, a
266 library, community center, museum, performing arts center,
267 theatre, cinema, or church facility; any facility or land owned
268 by a Florida College System institution or university; any
269 similar public institution facilities; and any facility recently
270 used to house a school or child care facility licensed under s.
271 402.305 within the preexisting zoning and land use designations
272 of the facility without obtaining a special exception, rezoning,
273 or a land use change so long as the provision of such tutoring
274 meets all applicable state and local health, safety, and welfare
275 laws, codes, and rules, including those related to firesafety
276 and building safety.

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

279 1003.02 District school board operation and control of
280 public K-12 education within the school district.—As provided in
281 part II of chapter 1001, district school boards are
282 constitutionally and statutorily charged with the operation and
283 control of public K-12 education within their school districts.
284 The district school boards must establish, organize, and operate
285 their public K-12 schools and educational programs, employees,
286 and facilities. Their responsibilities include staff
287 development, public K-12 school student education including
288 education for exceptional students and students in juvenile
289 justice programs, special programs, adult education programs,
290 and career education programs. Additionally, district school

594-04293-23

2023986c3

291 boards must:

292 (1) Provide for the proper accounting for all students of
293 school age, for the attendance and control of students at
294 school, and for proper attention to health, safety, and other
295 matters relating to the welfare of students in the following
296 areas:

297 (k) Instructions on emergency first aid for choking.-
298 Require that a poster that contains step-by-step instructions on
299 how to provide emergency first aid for choking on conscious
300 individuals be posted in each public school cafeteria within the
301 school district. The poster must be easily visible and
302 prominently placed.

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

305 1012.71 The Florida Teachers Classroom Supply Assistance
306 Program.-

307 (1) For purposes of the Florida Teachers Classroom Supply
308 Assistance Program, the term "classroom teacher" means a
309 certified teacher employed by a public school district or a
310 public charter school in that district on or before September 1
311 of each year whose full-time or job-share responsibility is the
312 classroom instruction of students in prekindergarten through
313 grade 12, including full-time media specialists and certified
314 school counselors serving students in prekindergarten through
315 grade 12, who are funded through the Florida Education Finance
316 Program. A "job-share" classroom teacher is one of two teachers
317 whose combined full-time equivalent employment for the same
318 teaching assignment equals one full-time classroom teacher. The
319 term "classroom teacher" may also include an administrator or a

594-04293-23

2023986c3

320 substitute teacher who holds a valid teaching certificate and
321 who is filling a vacancy in an identified teaching position on
322 or before September 1 of each year.

323 (3) From the funds allocated to each school district and
324 any funds received from local contributions for the Florida
325 Teachers Classroom Supply Assistance Program, the district
326 school board shall calculate an identical amount for each
327 classroom teacher who is estimated to be employed by the school
328 district or a charter school in the district on September 1 of
329 each year, which is that teacher's proportionate share of the
330 total amount allocated to the district from state funds and
331 funds received from local contributions. A job-share classroom
332 teacher may receive a prorated share of the amount provided to a
333 full-time classroom teacher. The school district shall calculate
334 a prorated share of the funds for a classroom teacher who
335 teaches less than full time. For a classroom teacher determined
336 eligible on July 1, the district school board and each charter
337 school board may provide the teacher with his or her total
338 proportionate share by August 1 based on the estimate of the
339 number of teachers who will be employed on September 1. For a
340 classroom teacher determined eligible after July 1, the district
341 school board and each charter school board shall provide the
342 teacher with his or her total proportionate share by September
343 30. The proportionate share may be provided by any means
344 determined appropriate by the district school board or charter
345 school board, including, but not limited to, direct deposit,
346 check, debit card, or purchasing card. If a debit card is used,
347 an identifier must be placed on the front of the debit card
348 which clearly indicates that the card has been issued for the

594-04293-23

2023986c3

349 Florida Teachers Classroom Supply Assistance Program.
350 Expenditures under the program are not subject to state or local
351 competitive bidding requirements. Funds received by a classroom
352 teacher do not affect wages, hours, or terms and conditions of
353 employment and, therefore, are not subject to collective
354 bargaining. Any classroom teacher may decline receipt of or
355 return the funds without explanation or cause.

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