

1 A bill to be entitled
2 An act relating to education; amending s. 1002.333,
3 F.S.; revising the definition of the term
4 "persistently low-performing school"; authorizing
5 certain entities to directly report their students to
6 the Department of Education; removing specified
7 requirements for schools of hope using school district
8 facilities; providing requirements for schools of hope
9 to use school district educational facilities;
10 authorizing schools of hope to use certain facilities
11 or co-locate with other public schools in certain
12 facilities; requiring certain students to be included
13 in specified school district calculations; requiring
14 specified services to be provided to schools of hope
15 at no cost; providing school district requirements;
16 removing the definition of the term "underused,
17 vacant, or surplus facility"; providing requirements
18 for disputes relating to certain mutual management
19 agreements; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 **Section 1. Paragraph (c) of subsection (1), paragraph (a)**
24 **of subsection (6), paragraphs (a) and (d) of subsection (7), and**
25 **paragraph (c) of subsection (11) of section 1002.333, Florida**

26 **Statutes, are amended to read:**

27 1002.333 Persistently low-performing schools.—

28 (1) DEFINITIONS.—As used in this section, the term:

29 (c) "Persistently low-performing school" means a school
30 that falls into one of the following categories:

31 1. ~~A school that~~ Has earned three grades lower than a "C,"
32 pursuant to s. 1008.34, in at least 3 of the previous 5 years
33 that the school received a grade and has not earned a grade of
34 "B" or higher in the most recent 2 school years;~~and~~

35 2. ~~A school that~~ Was closed pursuant to s. 1008.33(4)
36 within 2 years after the submission of a notice of intent; or

37 3. Is in the bottom 10 percent of schools statewide for
38 student performance on the grade 3 statewide, standardized
39 English Language Arts assessment or the grade 4 statewide,
40 standardized mathematics assessment in at least 2 of the
41 previous 3 years.

42 (6) STATUTORY AUTHORITY.—

43 (a) A school of hope or a nonprofit entity that operates
44 more than one school of hope through a performance-based
45 agreement with a school district may be designated as a local
46 education agency by the department, if requested, for the
47 purposes of receiving federal funds and, in doing so, accepts
48 the full responsibility for all local education agency
49 requirements and the schools for which it will perform local
50 education agency responsibilities.

51 1. A nonprofit entity designated as a local education
52 agency may directly report its students to the department in
53 accordance with the definitions in s. 1011.61 and pursuant to
54 the department's procedures and timelines.

55 2. Students enrolled in a school established by a hope
56 operator designated as a local educational agency are not
57 eligible students for purposes of calculating the district grade
58 pursuant to s. 1008.34(5).

59 (7) FACILITIES.—

60 (a) A school of hope shall use facilities that comply with
61 the Florida Building Code, except for the State Requirements for
62 Educational Facilities. ~~A school of hope that uses school~~
63 ~~district facilities must comply with the State Requirements for~~
64 ~~Educational Facilities only if the school district and the hope~~
65 ~~operator have entered into a mutual management plan for the~~
66 ~~reasonable maintenance of such facilities. The mutual management~~
67 ~~plan shall contain a provision by which the district school~~
68 ~~board agrees to maintain the school facilities in the same~~
69 ~~manner as its other public schools within the district. The~~
70 local governing authority may ~~shall~~ not adopt or impose any
71 local building requirements or site-development restrictions,
72 such as parking and site-size criteria, student enrollment, and
73 occupant load, that are addressed by and more stringent than
74 those found in the State Requirements for Educational Facilities
75 of the Florida Building Code. A local governing authority must

76 | treat schools of hope equitably in comparison to similar
77 | requirements, restrictions, and site planning processes imposed
78 | upon public schools. The agency having jurisdiction for
79 | inspection of a facility and issuance of a certificate of
80 | occupancy or use shall be the local municipality or, if in an
81 | unincorporated area, the county governing authority. If an
82 | official or employee of the local governing authority refuses to
83 | comply with this paragraph, the aggrieved school or entity has
84 | an immediate right to bring an action in circuit court to
85 | enforce its rights by injunction. An aggrieved party that
86 | receives injunctive relief may be awarded reasonable attorney
87 | fees and court costs.

88 | (d) No later than January 1, the department shall annually
89 | provide to school districts a list of all underused, vacant, or
90 | surplus facilities owned or operated by the school district as
91 | reported in the Florida Inventory of School Houses. A school
92 | district may provide evidence to the department that the list
93 | contains errors or omissions within 30 days after receipt of the
94 | list. By each April 1, the department shall update and publish a
95 | final list of all underused, vacant, or surplus facilities owned
96 | or operated by each school district, based upon updated
97 | information provided by each school district. A hope operator
98 | establishing a school of hope may submit to a school district a
99 | notice of intent to use, and the school district must execute an
100 | agreement authorizing the use of, an educational facility

101 identified in this paragraph ~~at no cost or at a mutually~~
102 ~~agreeable cost not to exceed \$600 per student.~~ A hope operator
103 using a facility pursuant to this paragraph may not sell or
104 dispose of such facility without the written permission of the
105 school district. A school of hope has the right to use a vacant
106 or surplus facility or co-locate with another public school in
107 any facility that has a utilization rate of less than 50 percent
108 or a surplus of at least 500 student stations if the combined
109 total enrollment of the schools does not exceed the capacity of
110 the facility. Students enrolled in the school of hope shall be
111 included in the school district's total capital outlay full-time
112 equivalent membership for purposes of s. 1013.62 and for
113 calculating the Public Education Capital Outlay maintenance
114 funds or any other maintenance funds for the facility. The use,
115 operation, and maintenance of such facility must be provided at
116 no cost to the school of hope pursuant to a mutual management
117 agreement developed by the State Board of Education. To avoid
118 unnecessary duplication, the school of hope shall receive
119 noninstructional services from the school district on a pro rata
120 basis based on the number of students enrolled ~~For purposes of~~
121 ~~this paragraph, the term "underused, vacant, or surplus~~
122 ~~facility" means an entire facility or portion thereof which is~~
123 ~~not fully used or is used irregularly or intermittently by the~~
124 ~~school district for instructional or program use.~~

125 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—

126 Pursuant to Art. IX of the State Constitution, which prescribes
127 the duty of the State Board of Education to supervise the public
128 school system, the State Board of Education shall:

129 (c) Resolve disputes between a hope operator and a school
130 district arising from a performance-based agreement, a mutual
131 management agreement, or a contract between a charter operator
132 and a school district under the requirements of s. 1008.33. The
133 Commissioner of Education shall appoint a special magistrate who
134 is a member of The Florida Bar in good standing and who has at
135 least 5 years' experience in administrative law. The special
136 magistrate shall hold hearings to determine facts relating to
137 the dispute and to render a recommended decision for resolution
138 to the State Board of Education. The recommendation may not
139 alter in any way the provisions of the performance-based
140 agreement under subsection (5). The special magistrate may
141 administer oaths and issue subpoenas on behalf of the parties to
142 the dispute or on his or her own behalf. Within 15 calendar days
143 after the close of the final hearing, the special magistrate
144 shall transmit a recommended decision to the State Board of
145 Education and to the representatives of both parties by
146 registered mail, return receipt requested. The State Board of
147 Education must approve or reject the recommended decision at its
148 next regularly scheduled meeting that is more than 7 calendar
149 days and no more than 30 days after the date the recommended
150 decision is transmitted. The decision by the State Board of

151 Education is a final agency action that may be appealed to the
152 District Court of Appeal, First District in accordance with s.
153 120.68. A charter school may recover attorney fees and costs if
154 the State Board of Education determines that the school district
155 unlawfully implemented or otherwise impeded implementation of
156 the performance-based agreement pursuant to this paragraph.

157 **Section 2.** This act shall take effect July 1, 2025.