

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 a charter school sponsor to use a
4 standard monitoring tool to monitor and review a
5 charter school; amending s. 1002.333, F.S.; defining
6 the term "sponsoring entity"; providing that a hope
7 operator must submit a notice of intent to open a
8 school of hope to the sponsoring entity, rather than
9 the school district; requiring the sponsoring entity,
10 rather than the school district, to enter into a
11 performance-based agreement with a hope operator;
12 requiring a school of hope to provide the sponsoring
13 entity, rather than the school district, with a
14 financial statement summary sheet; providing an
15 effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Paragraph (b) of subsection (5) of section
20 1002.33, Florida Statutes, is amended to read:

21 1002.33 Charter schools.—

22 (5) SPONSOR; DUTIES.—

23 (b) *Sponsor duties*.—

24 1.a. The sponsor shall monitor and review the charter
25 school, using the standard monitoring tool, in its progress
26 toward the goals established in the charter.

27 b. The sponsor shall monitor the revenues and expenditures
28 of the charter school and perform the duties provided in s.
29 1002.345.

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30 c. The sponsor may approve a charter for a charter school
31 before the applicant has identified space, equipment, or
32 personnel, if the applicant indicates approval is necessary for
33 it to raise working funds.

34 d. The sponsor may not apply its policies to a charter
35 school unless mutually agreed to by both the sponsor and the
36 charter school. If the sponsor subsequently amends any agreed-
37 upon sponsor policy, the version of the policy in effect at the
38 time of the execution of the charter, or any subsequent
39 modification thereof, shall remain in effect and the sponsor may
40 not hold the charter school responsible for any provision of a
41 newly revised policy until the revised policy is mutually agreed
42 upon.

43 e. The sponsor shall ensure that the charter is innovative
44 and consistent with the state education goals established by s.
45 1000.03(5).

46 f. The sponsor shall ensure that the charter school
47 participates in the state's education accountability system. If
48 a charter school falls short of performance measures included in
49 the approved charter, the sponsor shall report such shortcomings
50 to the Department of Education.

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

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

58 i. The sponsor's duties to monitor the charter school do

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59 not constitute the basis for a private cause of action.

60 j. The sponsor may not impose additional reporting
61 requirements on a charter school as long as the charter school
62 has not been identified as having a deteriorating financial
63 condition or financial emergency pursuant to s. 1002.345.

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

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

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

71 (B) The date each application was approved, denied, or
72 withdrawn.

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

74 (II) Annually, by November 1, the sponsor shall submit to
75 the department the information for the applications submitted
76 the previous year.

77 (III) The department shall compile an annual report, by
78 sponsor, and post the report on its website by January 15 of
79 each year.

80 2. Immunity for the sponsor of a charter school under
81 subparagraph 1. applies only with respect to acts or omissions
82 not under the sponsor's direct authority as described in this
83 section.

84 3. This paragraph does not waive a sponsor's sovereign
85 immunity.

86 4. A Florida College System institution may work with the
87 school district or school districts in its designated service

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88 area to develop charter schools that offer secondary education.
89 These charter schools must include an option for students to
90 receive an associate degree upon high school graduation. If a
91 Florida College System institution operates an approved teacher
92 preparation program under s. 1004.04 or s. 1004.85, the
93 institution may operate charter schools that serve students in
94 kindergarten through grade 12 in any school district within the
95 service area of the institution. District school boards shall
96 cooperate with and assist the Florida College System institution
97 on the charter application. Florida College System institution
98 applications for charter schools are not subject to the time
99 deadlines outlined in subsection (6) and may be approved by the
100 district school board at any time during the year. Florida
101 College System institutions may not report FTE for any students
102 participating under this subparagraph who receive FTE funding
103 through the Florida Education Finance Program.

104 5. For purposes of assisting the development of a charter
105 school, a school district may enter into nonexclusive interlocal
106 agreements with federal and state agencies, counties,
107 municipalities, and other governmental entities that operate
108 within the geographical borders of the school district to act on
109 behalf of such governmental entities in the inspection,
110 issuance, and other necessary activities for all necessary
111 permits, licenses, and other permissions that a charter school
112 needs in order for development, construction, or operation. A
113 charter school may use, but may not be required to use, a school
114 district for these services. The interlocal agreement must
115 include, but need not be limited to, the identification of fees
116 that charter schools will be charged for such services. The fees

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117 must consist of the governmental entity's fees plus a fee for
118 the school district to recover no more than actual costs for
119 providing such services. These services and fees are not
120 included within the services to be provided pursuant to
121 subsection (20). Notwithstanding any other provision of law, an
122 interlocal agreement or ordinance that imposes a greater
123 regulatory burden on charter schools than school districts or
124 that prohibits or limits the creation of a charter school is
125 void and unenforceable. An interlocal agreement entered into by
126 a school district for the development of only its own schools,
127 including provisions relating to the extension of
128 infrastructure, may be used by charter schools.

129 6. The board of trustees of a sponsoring state university
130 or Florida College System institution under paragraph (a) is the
131 local educational agency for all charter schools it sponsors for
132 purposes of receiving federal funds and accepts full
133 responsibility for all local educational agency requirements and
134 the schools for which it will perform local educational agency
135 responsibilities. A student enrolled in a charter school that is
136 sponsored by a state university or Florida College System
137 institution may not be included in the calculation of the school
138 district's grade under s. 1008.34(5) for the school district in
139 which he or she resides.

140 Section 2. Subsection (4) and paragraphs (a) and (h) of
141 subsection (6) of section 1002.333, Florida Statutes, are
142 amended, and paragraph (e) is added to subsection (1) of that
143 section, to read:

144 1002.333 Persistently low-performing schools.—

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

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146 (e) "Sponsoring entity" has the same meaning as in s.
147 1002.33(5).

148 (4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator
149 seeking to open a school of hope must submit a notice of intent
150 to the sponsoring entity to operate a school of hope in a ~~the~~
151 ~~school~~ district in which a persistently low-performing school
152 has been identified by the State Board of Education pursuant to
153 subsection (10) or in which a Florida Opportunity Zone is
154 located.

155 (a) The notice of intent must include:

156 1. An academic focus and plan.

157 2. A financial plan.

158 3. Goals and objectives for increasing student achievement
159 for the students from low-income families.

160 4. A completed or planned community outreach plan.

161 5. The organizational history of success in working with
162 students with similar demographics.

163 6. The grade levels to be served and enrollment
164 projections.

165 7. The proposed location or geographic area proposed for
166 the school consistent with the requirements of sub-subparagraphs
167 (1)(d)1.a. and b.

168 8. A staffing plan.

169 (b) Notwithstanding the requirements of s. 1002.33, a
170 sponsoring entity ~~school district~~ shall enter into a
171 performance-based agreement with a hope operator to open schools
172 to serve students from persistently low-performing schools and
173 students residing in a Florida Opportunity Zone.

174 (6) STATUTORY AUTHORITY.—

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175 (a) A school of hope or a nonprofit entity that operates
176 more than one school of hope through a performance-based
177 agreement with a sponsoring entity ~~school-district~~ may be
178 designated as a local education agency by the department, if
179 requested, for the purposes of receiving federal funds and, in
180 doing so, accepts the full responsibility for all local
181 education agency requirements and the schools for which it will
182 perform local education agency responsibilities.

183 1. A nonprofit entity designated as a local education
184 agency may report its students to the department in accordance
185 with the definitions in s. 1011.61 and pursuant to the
186 department's procedures and timelines.

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

191 (h)1. A school of hope shall provide the sponsoring entity
192 ~~school-district~~ with a concise, uniform, quarterly financial
193 statement summary sheet that contains a balance sheet and a
194 statement of revenue, expenditures, and changes in fund balance.
195 The balance sheet and the statement of revenue, expenditures,
196 and changes in fund balance shall be in the governmental fund
197 format prescribed by the Governmental Accounting Standards
198 Board. Additionally, a school of hope shall comply with the
199 annual audit requirement for charter schools in s. 218.39.

200 2. A school of hope is in compliance with subparagraph 1.
201 if it is operated by a nonprofit entity designated as a local
202 education agency and if the nonprofit submits to each school
203 district in which it operates a school of hope:

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204 a. A concise, uniform, quarterly financial statement
205 summary sheet that contains a balance sheet summarizing the
206 revenue, expenditures, and changes in fund balance for the
207 entity and for its schools of hope within the school district.

208 b. An annual financial audit of the nonprofit which
209 includes all schools of hope it operates within this state and
210 which complies with s. 218.39 regarding audits of a school
211 board.

212 Section 3. This act shall take effect July 1, 2025.