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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2025	.	
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The Committee on Education Pre-K - 12 (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (1), paragraph (a) of subsection (6), paragraphs (a) and (d) of subsection (7), and paragraph (c) of subsection (11) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

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



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11 (c) "Persistently low-performing school" means a school
12 that falls into any of the following categories:

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

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

19 3. Was in the bottom 10 percent of schools statewide for
20 student performance on the grade 3 statewide, standardized
21 English Language Arts assessment or the grade 4 statewide,
22 standardized Mathematics assessment in at least 2 of the
23 previous 3 years.

24 (6) STATUTORY AUTHORITY.—

25 (a) A school of hope or a nonprofit entity that operates
26 more than one school of hope through a performance-based
27 agreement with a school district may be designated as a local
28 education agency by the department, if requested, for the
29 purposes of receiving federal funds and, in doing so, accepts
30 the full responsibility for all local education agency
31 requirements and the schools for which it will perform local
32 education agency responsibilities.

33 1. A nonprofit entity designated as a local education
34 agency may directly report its students to the department in
35 accordance with the definitions in s. 1011.61 and pursuant to
36 the department's procedures and timelines.

37 2. Students enrolled in a school established by a hope
38 operator designated as a local educational agency are not
39 eligible students for purposes of calculating the district grade



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40 pursuant to s. 1008.34(5).

41 (7) FACILITIES.—

42 (a) A school of hope shall use facilities that comply with
43 the Florida Building Code, except for the State Requirements for
44 Educational Facilities. A school of hope that uses school
45 district facilities must comply with the State Requirements for
46 Educational Facilities only if the school district and the hope
47 operator have entered into a mutual management plan for the
48 reasonable maintenance of such facilities. The mutual management
49 plan shall contain a provision by which the district school
50 board agrees to maintain the school facilities in the same
51 manner as its other public schools within the district. The
52 local governing authority may ~~shall~~ not adopt or impose any
53 local building requirements or site-development restrictions,
54 such as parking and site-size criteria, student enrollment, and
55 occupant load, that are addressed by and more stringent than
56 those found in the State Requirements for Educational Facilities
57 of the Florida Building Code. A local governing authority must
58 treat schools of hope equitably in comparison to similar
59 requirements, restrictions, and site planning processes imposed
60 upon public schools. The agency having jurisdiction for
61 inspection of a facility and issuance of a certificate of
62 occupancy or use shall be the local municipality or, if in an
63 unincorporated area, the county governing authority. If an
64 official or employee of the local governing authority refuses to
65 comply with this paragraph, the aggrieved school or entity has
66 an immediate right to bring an action in circuit court to
67 enforce its rights by injunction. An aggrieved party that
68 receives injunctive relief may be awarded reasonable attorney



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69 fees and court costs.

70 (d)1. No later than January 1, the department shall
71 annually provide to school districts a list of all underused,
72 vacant, or surplus facilities owned or operated by the school
73 district as reported in the Florida Inventory of School Houses.
74 A school district may provide evidence to the department that
75 the list contains errors or omissions within 30 days after
76 receipt of the list. By each April 1, the department shall
77 update and publish a final list of all underused, vacant, or
78 surplus facilities owned or operated by each school district,
79 based upon updated information provided by each school district.
80 A hope operator establishing a school of hope may submit to a
81 school district a notice of intent to use, and the school
82 district must negotiate an agreement authorizing the use of, an
83 educational facility identified in this paragraph at no cost or
84 at a mutually agreeable cost not to exceed \$600 per student. A
85 hope operator using a facility pursuant to this paragraph may
86 not sell or dispose of such facility without the written
87 permission of the school district. For purposes of this
88 subparagraph ~~paragraph~~, the term "underused, vacant, or surplus
89 facility" means an entire facility or portion thereof which is
90 not fully used or is used irregularly or intermittently by the
91 school district for instructional or program use.

92 2. A school of hope located in a county as defined in s.
93 125.011(1) may collocate with another public school in any
94 facility that has a utilization rate of less than 50 percent or
95 a surplus of at least 500 student stations if the combined total
96 enrollment of the school does not exceed the capacity of the
97 facility. Students enrolled in the school of hope must be



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98 included in the school district's total capital outlay full-time
99 equivalent membership for purposes of s. 1013.62 and for
100 calculating the Public Education Capital Outlay maintenance
101 funds or any other maintenance funds for the facility. A rental
102 or leasing fee may not be charged, but the use, operation, and
103 maintenance of such facility must be provided to the school of
104 hope at a mutually agreeable cost, not to exceed \$600 per
105 student, pursuant to a mutual management agreement negotiated
106 with the district school board. The agreement must include
107 provisions related to student ages and grade levels, student and
108 school safety requirements, supervision authority, applicable
109 school board rules, and emergency shelter protocols. To avoid
110 unnecessary duplication, the school of hope shall receive
111 noninstructional services from the school district on a pro rata
112 basis based on the number of students enrolled.

113 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—
114 Pursuant to Art. IX of the State Constitution, which prescribes
115 the duty of the State Board of Education to supervise the public
116 school system, the State Board of Education shall:

117 (c) Resolve disputes between a hope operator and a school
118 district arising from a performance-based agreement, a mutual
119 management agreement, or a contract between a charter operator
120 and a school district under the requirements of s. 1008.33. The
121 Commissioner of Education shall appoint a special magistrate who
122 is a member of The Florida Bar in good standing and who has at
123 least 5 years' experience in administrative law. The special
124 magistrate shall hold hearings to determine facts relating to
125 the dispute and to render a recommended decision for resolution
126 to the State Board of Education. The recommendation may not



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127 alter in any way the provisions of the performance-based
128 agreement under subsection (5). The special magistrate may
129 administer oaths and issue subpoenas on behalf of the parties to
130 the dispute or on his or her own behalf. Within 15 calendar days
131 after the close of the final hearing, the special magistrate
132 shall transmit a recommended decision to the State Board of
133 Education and to the representatives of both parties by
134 registered mail, return receipt requested. The State Board of
135 Education must approve or reject the recommended decision at its
136 next regularly scheduled meeting that is more than 7 calendar
137 days and no more than 30 days after the date the recommended
138 decision is transmitted. The decision by the State Board of
139 Education is a final agency action that may be appealed to the
140 District Court of Appeal, First District in accordance with s.
141 120.68. A charter school may recover attorney fees and costs if
142 the State Board of Education determines that the school district
143 unlawfully implemented or otherwise impeded implementation of
144 the performance-based agreement pursuant to this paragraph.

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

146
147 ===== T I T L E A M E N D M E N T =====

148 And the title is amended as follows:

149 Delete everything before the enacting clause
150 and insert:

151 A bill to be entitled
152 An act relating to education; amending s. 1002.333,
153 F.S.; revising the definition of the term
154 "persistently low-performing school"; authorizing
155 certain entities to report their students directly to



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156 the Department of Education; making a technical
157 change; revising the procedure followed by schools of
158 hope in seeking to use certain school district
159 educational facilities; authorizing schools of hope in
160 certain counties to colocate with other public schools
161 in certain facilities; requiring that students
162 enrolled in schools of hope be included in specified
163 school district calculations; prohibiting a rental or
164 leasing fee from being charged to a school of hope;
165 requiring maintenance of a facility to be provided to
166 a school of hope at a mutually agreeable cost not to
167 exceed a specified amount; providing requirements for
168 a mutual management agreement; requiring a school of
169 hope to receive noninstructional services from a
170 school district on a pro rata basis; providing an
171 effective date.