

By the Committee on Education Pre-K - 12; and Senators Calatayud and Gruters

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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 report their students directly to
6 the Department of Education; making a technical
7 change; revising the procedure followed by schools of
8 hope in seeking to use certain school district
9 educational facilities; authorizing schools of hope in
10 certain counties to colocate with other public schools
11 in certain facilities; requiring that students
12 enrolled in schools of hope be included in specified
13 school district calculations; prohibiting a rental or
14 leasing fee from being charged to a school of hope;
15 requiring maintenance of a facility to be provided to
16 a school of hope at a mutually agreeable cost not to
17 exceed a specified amount; providing requirements for
18 a mutual management agreement; requiring a school of
19 hope to receive noninstructional services from a
20 school district on a pro rata basis; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (c) of subsection (1), paragraph (a)
26 of subsection (6), paragraphs (a) and (d) of subsection (7), and
27 paragraph (c) of subsection (11) of section 1002.333, Florida
28 Statutes, are amended to read:

29 1002.333 Persistently low-performing schools.—

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

31 (c) “Persistently low-performing school” means a school
32 that falls into any of the following categories:

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

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

39 3. Was in the bottom 10 percent of schools statewide for
40 student performance on the grade 3 statewide, standardized
41 English Language Arts assessment or the grade 4 statewide,
42 standardized Mathematics assessment in at least 2 of the
43 previous 3 years.

44 (6) STATUTORY AUTHORITY.—

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

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

57 2. Students enrolled in a school established by a hope
58 operator designated as a local educational agency are not

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59 eligible students for purposes of calculating the district grade
60 pursuant to s. 1008.34(5).

61 (7) FACILITIES.—

62 (a) A school of hope shall use facilities that comply with
63 the Florida Building Code, except for the State Requirements for
64 Educational Facilities. A school of hope that uses school
65 district facilities must comply with the State Requirements for
66 Educational Facilities only if the school district and the hope
67 operator have entered into a mutual management plan for the
68 reasonable maintenance of such facilities. The mutual management
69 plan shall contain a provision by which the district school
70 board agrees to maintain the school facilities in the same
71 manner as its other public schools within the district. The
72 local governing authority may ~~shall~~ not adopt or impose any
73 local building requirements or site-development restrictions,
74 such as parking and site-size criteria, student enrollment, and
75 occupant load, that are addressed by and more stringent than
76 those found in the State Requirements for Educational Facilities
77 of the Florida Building Code. A local governing authority must
78 treat schools of hope equitably in comparison to similar
79 requirements, restrictions, and site planning processes imposed
80 upon public schools. The agency having jurisdiction for
81 inspection of a facility and issuance of a certificate of
82 occupancy or use shall be the local municipality or, if in an
83 unincorporated area, the county governing authority. If an
84 official or employee of the local governing authority refuses to
85 comply with this paragraph, the aggrieved school or entity has
86 an immediate right to bring an action in circuit court to
87 enforce its rights by injunction. An aggrieved party that

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88 receives injunctive relief may be awarded reasonable attorney
89 fees and court costs.

90 (d)1. No later than January 1, the department shall
91 annually provide to school districts a list of all underused,
92 vacant, or surplus facilities owned or operated by the school
93 district as reported in the Florida Inventory of School Houses.
94 A school district may provide evidence to the department that
95 the list contains errors or omissions within 30 days after
96 receipt of the list. By each April 1, the department shall
97 update and publish a final list of all underused, vacant, or
98 surplus facilities owned or operated by each school district,
99 based upon updated information provided by each school district.
100 A hope operator establishing a school of hope may submit to a
101 school district a notice of intent to use, and the school
102 district must negotiate an agreement authorizing the use of, an
103 educational facility identified in this paragraph at no cost or
104 at a mutually agreeable cost not to exceed \$600 per student. A
105 hope operator using a facility pursuant to this paragraph may
106 not sell or dispose of such facility without the written
107 permission of the school district. For purposes of this
108 subparagraph ~~paragraph~~, the term "underused, vacant, or surplus
109 facility" means an entire facility or portion thereof which is
110 not fully used or is used irregularly or intermittently by the
111 school district for instructional or program use.

112 2. A school of hope located in a county as defined in s.
113 125.011(1) may collocate with another public school in any
114 facility that has a utilization rate of less than 50 percent or
115 a surplus of at least 500 student stations if the combined total
116 enrollment of the school does not exceed the capacity of the

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117 facility. Students enrolled in the school of hope must be
118 included in the school district's total capital outlay full-time
119 equivalent membership for purposes of s. 1013.62 and for
120 calculating the Public Education Capital Outlay maintenance
121 funds or any other maintenance funds for the facility. A rental
122 or leasing fee may not be charged, but the use, operation, and
123 maintenance of such facility must be provided to the school of
124 hope at a mutually agreeable cost, not to exceed \$600 per
125 student, pursuant to a mutual management agreement negotiated
126 with the district school board. The agreement must include
127 provisions related to student ages and grade levels, student and
128 school safety requirements, supervision authority, applicable
129 school board rules, and emergency shelter protocols. To avoid
130 unnecessary duplication, the school of hope shall receive
131 noninstructional services from the school district on a pro rata
132 basis based on the number of students enrolled.

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

137 (c) Resolve disputes between a hope operator and a school
138 district arising from a performance-based agreement, a mutual
139 management agreement, or a contract between a charter operator
140 and a school district under the requirements of s. 1008.33. The
141 Commissioner of Education shall appoint a special magistrate who
142 is a member of The Florida Bar in good standing and who has at
143 least 5 years' experience in administrative law. The special
144 magistrate shall hold hearings to determine facts relating to
145 the dispute and to render a recommended decision for resolution

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146 to the State Board of Education. The recommendation may not
147 alter in any way the provisions of the performance-based
148 agreement under subsection (5). The special magistrate may
149 administer oaths and issue subpoenas on behalf of the parties to
150 the dispute or on his or her own behalf. Within 15 calendar days
151 after the close of the final hearing, the special magistrate
152 shall transmit a recommended decision to the State Board of
153 Education and to the representatives of both parties by
154 registered mail, return receipt requested. The State Board of
155 Education must approve or reject the recommended decision at its
156 next regularly scheduled meeting that is more than 7 calendar
157 days and no more than 30 days after the date the recommended
158 decision is transmitted. The decision by the State Board of
159 Education is a final agency action that may be appealed to the
160 District Court of Appeal, First District in accordance with s.
161 120.68. A charter school may recover attorney fees and costs if
162 the State Board of Education determines that the school district
163 unlawfully implemented or otherwise impeded implementation of
164 the performance-based agreement pursuant to this paragraph.

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