

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Education Administration
2 Subcommittee

3 Representative Snyder offered the following:

Amendment (with directory and title amendments)

6 Remove lines 182-852 and insert:

7 (c) Sponsor accountability.-

8 1. The department shall, in collaboration with charter
9 school sponsors and charter school operators, develop a sponsor
10 evaluation framework that must address, at a minimum:

11 a. The sponsor's strategic vision for charter school
12 authorization and the sponsor's progress toward that vision.

13 b. The alignment of the sponsor's policies and practices
14 to best practices for charter school authorization.

15 c. The academic and financial performance of all operating
16 charter schools overseen by the sponsor.

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17 d. The status of charter schools authorized by the
18 sponsor, including approved, operating, and closed schools.

19 2. The department shall compile the results by sponsor and
20 include the results in the report required under sub-sub-
21 subparagraph (b)1.1.(III) ~~(b)1.k.(III)~~.

22 (9) CHARTER SCHOOL REQUIREMENTS.—

23 (s) A charter school governing board may adopt its own
24 code of student conduct. The code of student conduct must meet
25 or exceed the minimum standards set forth in the sponsor's code
26 of student conduct. Any provision of the code of student conduct
27 which is more stringent than the sponsor's code of student
28 conduct must align with the mission of the charter school. The
29 sponsor may review the code and offer recommendations. Any
30 complaint or appeal related to the code of student conduct shall
31 be resolved by the charter school's governing board using the
32 board's established procedures and must be in compliance with
33 applicable law and rules.

34 (10) ELIGIBLE STUDENTS.—

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

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

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

41 3. Students who are the children of an employee of the

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42 charter school.

43 4. Students who are the children of:

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

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

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

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

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

62 8. Students who are the children of a safe-school officer,
63 as defined in s. 1006.12, at the school.

64 9. Students who transfer from a classical school in this
65 state to a charter classical school in this state. For purposes
66 of this subparagraph, the term "classical school" means a

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67 traditional public school or charter school that implements a
68 classical education model that emphasizes the development of
69 students in the principles of moral character and civic virtue
70 through a well-rounded education in the liberal arts and
71 sciences which is based on the classical trivium stages of
72 grammar, logic, and rhetoric.

73 (h) The capacity of the charter school shall be determined
74 annually by the governing board, in conjunction with the
75 sponsor, of the charter school in consideration of the factors
76 identified in this subsection and subsection (18) unless the
77 charter school is designated as a high-performing charter school
78 pursuant to s. 1002.331. A sponsor may not require a charter
79 school to waive the provisions of s. 1002.331 or require a
80 student enrollment cap that prohibits a high-performing charter
81 school from increasing enrollment in accordance with s.
82 1002.331(2) as a condition of approval or renewal of a charter.

83 (16) EXEMPTION FROM STATUTES.—

84 (b) Additionally, a charter school shall be in compliance
85 with the following statutes:

86 1. Section 286.011, relating to public meetings and
87 records, public inspection, and criminal and civil penalties.

88 2. Chapter 119, relating to public records.

89 3. Section 1003.03, relating to the maximum class size,
90 except that the calculation for compliance pursuant to s.

91 1003.03 shall be the average at the school level.

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- 92 4. Section 1012.22(1)(c), relating to compensation and
93 salary schedules.
- 94 5. Section 1012.33(5), relating to workforce reductions.
- 95 6. Section 1012.335, relating to contracts with
96 instructional personnel hired on or after July 1, 2011.
- 97 7. Section 1012.34, relating to the substantive
98 requirements for performance evaluations for instructional
99 personnel and school administrators.
- 100 8. Section 1006.12, relating to safe-school officers.
- 101 9. Section 1006.07(7), relating to threat management
102 teams.
- 103 10. Section 1006.07(9), relating to School Environmental
104 Safety Incident Reporting.
- 105 11. Section 1006.07(10), relating to reporting of
106 involuntary examinations.
- 107 12. Section 1006.1493, relating to the Florida Safe
108 Schools Assessment Tool.
- 109 13. Section 1006.07(6)(d), relating to adopting an active
110 assailant response plan.
- 111 14. Section 943.082(4)(b), relating to the mobile
112 suspicious activity reporting tool.
- 113 15. Section 1012.584, relating to youth mental health
114 awareness and assistance training.
- 115 16. Section 1001.42(4)(f)2., relating to middle school and
116 high school start times. A charter school-in-the-workplace is

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117 exempt from this requirement.

118 17. Section 1001.42(8)(c), relating to student welfare.

119 (c) For purposes of subparagraphs (b)4.-7. and 17.:

120 1. The duties assigned to a district school superintendent
121 apply to charter school administrative personnel, as defined in
122 s. 1012.01(3)(a) and (b), and the charter school governing board
123 shall designate at least one administrative person to be
124 responsible for such duties.

125 2. The duties assigned to a district school board apply to
126 a charter school governing board.

127 3. A charter school may hire instructional personnel and
128 other employees on an at-will basis.

129 4. Notwithstanding any provision to the contrary,
130 instructional personnel and other employees on contract may be
131 suspended or dismissed any time during the term of the contract
132 without cause.

133 (18) FACILITIES.—

134 (c) Any facility, or portion thereof, used to house a
135 charter school whose charter has been approved by the sponsor
136 and the governing board, pursuant to subsection (7), is exempt
137 from ad valorem taxes pursuant to s. 196.1983. Any facility or
138 land owned by a library, community service, museum, performing
139 arts, theater, cinema, or church facility; any facility or land
140 owned by a Florida College System institution or university; any
141 similar public institutional facilities or land; and any

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142 facility recently used to house a school or child care facility
143 licensed under s. 402.305 may provide space to charter schools
144 within their facilities or land under their preexisting zoning
145 and land use designations without obtaining a special exception,
146 rezoning, or a land use change.

147 (h) A charter school that is not implementing a school
148 improvement plan pursuant to paragraph (9) (n) or a corrective
149 action plan pursuant to s. 1002.345 may increase its student
150 enrollment to more than the capacity identified in the charter,
151 but student enrollment may not exceed the capacity of the
152 facility at the time the enrollment increase will take effect.
153 Facility capacity for purposes of expansion shall include any
154 improvements to an existing facility or any new facility in
155 which the student of the charter school will enroll. A charter
156 school must notify its sponsor in writing by March 1 if it
157 intends to increase enrollment for the following school year.
158 The written notice must specify the amount of the enrollment
159 increase.

160 (20) SERVICES.—

161 (a)1. A sponsor shall provide certain administrative and
162 educational services to charter schools. These services shall
163 include contract management services; full-time equivalent and
164 data reporting services; exceptional student education
165 administration services; services related to eligibility and
166 reporting duties required to ensure that school lunch services

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167 | under the National School Lunch Program, consistent with the
168 | needs of the charter school, are provided by the sponsor at the
169 | request of the charter school, that any funds due to the charter
170 | school under the National School Lunch Program be paid to the
171 | charter school as soon as the charter school begins serving food
172 | under the National School Lunch Program, and that the charter
173 | school is paid at the same time and in the same manner under the
174 | National School Lunch Program as other public schools serviced
175 | by the sponsor or the school district; test administration
176 | services, including payment of the costs of state-required or
177 | district-required student assessments; processing of teacher
178 | certificate data services; and information services, including
179 | equal access to the sponsor's student information systems that
180 | are used by public schools in the district in which the charter
181 | school is located or by schools in the sponsor's portfolio of
182 | charter schools if the sponsor is not a school district. Access
183 | to the sponsor's student information system shall be provided to
184 | the charter school and its contractor, unless prohibited by
185 | general or federal law. Student performance data for each
186 | student in a charter school, including, but not limited to,
187 | statewide, ~~FCAT scores~~, standardized test scores, coordinated
188 | screening and progress monitoring student results, previous
189 | public school student report cards, and student performance
190 | measures, shall be provided by the sponsor to a charter school
191 | in the same manner provided to other public schools in the

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192 district or by schools in the sponsor's portfolio of charter
193 schools if the sponsor is not a school district. The department
194 must provide student performance data to a charter school and
195 its contractor, unless prohibited by general or federal law.

196 2. A sponsor shall provide training to charter schools on
197 systems the sponsor will require the charter school to use.

198 3. A sponsor may withhold an administrative fee for the
199 provision of such services which shall be a percentage of the
200 available funds defined in paragraph (17)(b) calculated based on
201 weighted full-time equivalent students. If the charter school
202 serves 75 percent or more exceptional education students as
203 defined in s. 1003.01(9), the percentage shall be calculated
204 based on unweighted full-time equivalent students. The
205 administrative fee shall be calculated as follows:

206 a. Up to 5 percent for:

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

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

211 (A) Includes conversion charter schools and nonconversion
212 charter schools.

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

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

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

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

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

221 b. Up to 2 percent for enrollment of up to and including
222 250 students in a high-performing charter school as defined in
223 s. 1002.331.

224 c. Up to 2 percent for enrollment of up to and including
225 250 students in an exceptional student education center that
226 meets the requirements of the rules adopted by the State Board
227 of Education pursuant to s. 1008.3415(3).

228 4. A sponsor may not charge charter schools any additional
229 fees or surcharges for administrative and educational services
230 in addition to the maximum percentage of administrative fees
231 withheld pursuant to this paragraph. A sponsor may not charge or
232 withhold any administrative fee against a charter school for any
233 funds specifically allocated by the Legislature for teacher
234 compensation.

235 5. A sponsor shall provide to the department by September
236 15 of each year the total amount of funding withheld from
237 charter schools pursuant to this subsection for the prior fiscal
238 year. The department must include the information in the report
239 required under sub-sub-subparagraph (5)(b)1.k.(III).

240 6. A sponsor shall annually provide a report to its
241 charter schools on what services are being rendered from the

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242 sponsor's portion of the administrative fee. The report must
243 include the listed services and be submitted to the department
244 by September 15 of each year.

245 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

246 (d) A landlord of a charter school or his or her spouse or
247 an officer, director, or employee of an entity that is a
248 landlord of a charter school or his or her spouse may not be a
249 member of a governing board of a charter school unless the
250 charter school was established pursuant to paragraph (15)(c).

251 **Section 2. Subsection (2) of section 1002.331, Florida**
252 **Statutes, is amended to read:**

253 1002.331 High-performing charter schools.—

254 (2) A high-performing charter school is authorized to:

255 (a) Increase its student enrollment once per school year
256 to more than the capacity identified in the charter, but student
257 enrollment may not exceed the capacity of the facility at the
258 time the enrollment increase will take effect. Facility capacity
259 for purposes of expansion must ~~shall~~ include any improvements to
260 an existing facility or any new facility in which the students
261 of the high-performing charter school will enroll.

262 (b) Expand grade levels within kindergarten through grade
263 12 to add grade levels not already served if any annual
264 enrollment increase resulting from grade level expansion is
265 within the limit established in paragraph (a).

266 (c) Submit a quarterly, rather than a monthly, financial

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267 statement to the sponsor pursuant to s. 1002.33(9)(g).

268 (d) Consolidate under a single charter the charters of
269 multiple high-performing charter schools operated in the same
270 school district by the charter schools' governing board
271 regardless of the renewal cycle.

272 (e) Receive a modification of its charter to a term of 15
273 years or a 15-year charter renewal. The charter may be modified
274 or renewed for a shorter term at the option of the high-
275 performing charter school. The charter must be consistent with
276 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual
277 review by the sponsor, and may be terminated during its term
278 pursuant to s. 1002.33(8).

279 (f) Assume the charter of an existing charter school
280 within the same school district in which it operates. Any
281 request to assume a charter must be initiated by a school in a
282 written format to the high-performing charter school.

283
284 A high-performing charter school shall notify its sponsor in
285 writing by March 1 if it intends to increase enrollment or
286 expand grade levels the following school year. The written
287 notice shall specify the amount of the enrollment increase and
288 the grade levels that will be added, as applicable. If a charter
289 school notifies the sponsor of its intent to expand, the sponsor
290 shall modify the charter within 90 days to include the new
291 enrollment maximum and may not make any other changes. The

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292 sponsor may deny a request to increase the enrollment of a high-
293 performing charter school if the commissioner has declassified
294 the charter school as high-performing. If a high-performing
295 charter school requests to consolidate multiple charters or to
296 assume an existing charter, the sponsor has ~~shall have~~ 40 days
297 after receipt of that request to provide an initial draft
298 charter to the charter school. The sponsor and charter school
299 shall have 50 days thereafter to negotiate and notice the
300 charter contract for final approval by the sponsor.

301 **Section 3. Paragraph (b) of subsection (1) of section**
302 **1013.28, Florida Statutes, is redesignated as paragraph (c), and**
303 **a new paragraph (b) is added to that subsection, to read:**

304 1013.28 Disposal of property.—

305 (1) REAL PROPERTY.—

306 (b)1. School districts shall prioritize the continued use
307 of real property for public education purposes by providing
308 charter schools with a right of first refusal when the school
309 district seeks to sell, transfer, lease, or dispose of any real
310 property, including school facilities. The right of first
311 refusal period for charter schools shall commence on the date
312 the publicly noticed agenda item is heard at a school board
313 meeting.

314 2. A charter school seeking to exercise the right of first
315 refusal must submit a formal offer to the school district within
316 60 days after the agenda item is heard. The offer must include

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317 the proposed terms, intended use, and evidence of the charter
318 school's financial capability. The district school board shall
319 acknowledge receipt of all offers in writing and engage in good-
320 faith negotiations with any charter school that submits an
321 offer.

322 3. The district school board may not finalize any
323 transaction or engage in negotiations with any non-charter
324 school entity for the sale, transfer, lease, or disposal of the
325 real property until the right of first refusal process is
326 completed.

327 4. If no charter school submits a formal offer within the
328 designated timeframe, the district may proceed with disposal of
329 the real property. However, a district may not structure any
330 transaction in a manner to avoid the requirements of this
331 subsection, nor may it execute any transfer of ownership or
332 lease agreement before completing this process.

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D I R E C T O R Y A M E N D M E N T

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Remove lines 48-55 and insert:

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Section 1. Paragraph (b) and (c) of subsection (5),

340

paragraphs (d) and (h) of subsection (10), paragraphs (b) and

341

(c) of subsection (16), paragraph (c) of subsection (18), and

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342 **paragraph (a) of subsection (20) of section 1002.33, Florida**
343 **Statutes, are amended, paragraph (s) is added to subsection (9),**
344 **paragraph (h) is added to subsection (18), and paragraph (d) is**
345 **added to subsection (26) of that section, to read:**

346 -----
347
348 **T I T L E A M E N D M E N T**

349 Remove lines 4-43 and insert:
350 deadlines for charter schools; authorizing charter
351 school governing boards to adopt codes of student
352 conduct; providing requirements for such codes;
353 providing requirements for the resolution of
354 complaints or appeals relating to such codes; revising
355 the criteria for a charter school to give enrollment
356 preferences or limit the enrollment process to certain
357 students; revising the factors considered for the
358 determination of a charter school's capacity;
359 requiring charter schools to be in compliance with
360 specified provisions relating to student welfare;
361 revising the facilities and land exempt from specified
362 ad valorem taxes; authorizing a charter school to
363 increase its student enrollment under certain
364 circumstances; providing requirements for such charter
365 school's facilities; providing requirements for
366 notification of increased enrollment; requiring

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367 sponsors and the Department of Education to provide
368 specified access and data to charter schools,
369 including the school's contractor, specified access
370 and data; prohibiting certain persons from serving as
371 members of a charter school governing board; amending
372 s. 1002.331, F.S.; authorizing high-performing charter
373 schools to assume the charters of certain charter
374 schools; providing requirements for a request for a
375 high-performing charter school to assume a charter;
376 amending s. 1013.28, F.S.; requiring school districts
377 to take specified actions before the sale, transfer,
378 lease, or disposal of real property; providing that a
379 charter school may exercise right of first refusal for
380 such property; requiring a charter school to submit an
381 offer within a specific timeframe; providing
382 requirements for such offer; providing school district
383 requirements before the finalization of any disposal
384 of real property; prohibiting school districts from
385 such disposal before meeting certain