

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 822

INTRODUCER: Senator Rodriguez

SUBJECT: Education

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sabitsch	Bouck	ED	Pre-meeting
2.			AED	
3.			RC	

I. Summary:

SB 844 modifies numerous provisions related to charter schools, high performing charter schools and disposal of real property by school districts. Specifically, the bill:

- Limits the administrative deadlines a sponsor can impose on a charter school.
- Prohibits arbitrary limitations on charter school enrollment by a sponsor and limits the timing a sponsor can require a charter school to report enrollment capacity.
- Allows a charter school to assign its charter to the governing board of another charter school under certain conditions.
- Allows a charter school to adopt its own code of student conduct with certain restrictions.
- Modifies priority enrollment provisions for eligible charter school students related to prekindergarten participation.
- Modifies provisions related to charter school employee background screening.
- Requires charter schools to comply with parental notification requirements related to student well-being.
- Expands the authority for charter schools to use facilities under existing zoning and land-use designations to include associated land.
- Adds requirements for charter school sponsors and the Department of Education related to sharing student data.
- Modifies provisions related to charter school governing board members and adds a prohibition for the landlord of a charter school to serve on a governing board.
- Allows a high-performing charter school to assume the charter of an existing charter school in the same school district.
- Modifies provisions related to disposal of real property by school districts to provide priorities and opportunities to charter schools.

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations for traditional public schools. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.¹ In general, charter schools are exempt for most Florida laws that govern public schools. The specific regulations that charter schools must comply with are named in law.² Charter school governing board members are provided with requirements regarding standards of conduct and financial disclosure.³

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.⁴

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.⁵

Charter schools are required to employ or contract with employees who have undergone background screening that is the same as required for school district employees.⁶ Members of the governing board of a charter school are also required to undergo similar background screening.

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.⁷ Charter schools are permitted to give preference for enrollment to certain student populations that include students who are:⁸

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Section 1002.33(16), F.S.

³ Section 1002.33(26), F.S.

⁴ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 3, 2025). See also s. 1002.33(10), F.S.

⁵ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 3, 2025). See also s. 1002.33(6), F.S.

⁶ Section 1002.33(12)(g), F.S.

⁷ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 3, 2025). See also s. 1002.33(6), F.S.

⁸ Section 1002.33(10)(d), F.S.

- Siblings of a student enrolled in the charter school.
- Children of a member of the governing board of the charter school.
- Children of an employee of the charter school.
- Children of specific residents or employees related to a charter school-in-the-workplace or a charter school-in-a-municipality.
- Students who have successfully completed, during the previous year, a voluntary prekindergarten (VPK) education program provided by the charter school, the charter school's governing board, or a VPK provider that has a written agreement with the governing board.
- Children of an active duty member of any branch of the United States Armed Forces.
- Students who attended or are assigned to failing schools.
- Children of a safe-school officer at the school.
- Students who transfer from a classical school in this state to a charter classical school in this state.

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:⁹

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.¹⁰

A charter school may be sponsored by any of the following:¹¹

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- Florida College System institution approved by the DOE.

Each charter school sponsor is provided with duties specified in law.¹² The charter school sponsor is tasked with performing the following:

- Monitor and review the charter school in its progress toward the goals established in the charter.
- Monitor the revenues and expenditures of the charter school and perform the duties related to deteriorating financial conditions of charter schools.
- Approve a charter before the applicant has identified space, equipment, or personnel, when necessary.

⁹ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 3, 2025). See also s. 1002.33(6), F.S.

¹⁰ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Feb. 11, 2025). See also s. 1002.33(6), F.S.

¹¹ Section 1002.33(5), F.S.

¹² Section 1002.33(5)(b), F.S.

- Ensure that the charter is innovative and consistent with the state education goals established in Florida law.
- Ensure that the charter school participates in the state's education accountability system and report any shortcoming to the DOE.¹³

Charter school sponsors are also subject to additional provisions, specifically the sponsor:¹⁴

- Cannot apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school.
- Is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.
- Is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.
- By monitoring the charter school that does not constitute the basis for a private cause of action.
- Cannot impose additional reporting requirements on a charter school except when the charter school has been identified as having a deteriorating financial condition or a financial emergency.
- Is required to submit an annual report to the DOE in a web-based format determined by the DOE.

The charter agreement is a written agreement that sets forth the terms and conditions for the operation of a charter school, including a virtual charter school, by the sponsor and the applicant. The sponsor and the governing board of the charter school are required to use the standard charter contract or standard virtual charter contract. The charter must be signed by the governing board of the charter school and the sponsor, following a public hearing.¹⁵ The charter agreement is required to include or address the following elements:

- The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district.
- The ages and grades to be served.
- The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance.
- Ensure that reading is a primary focus. The curriculum and instructional strategies for reading must be consistent with the state's academic standards and grounded in scientifically based reading research.
- Ensure that mathematics is a focus of the curriculum.
- Facilitate the integration of technology within traditional classroom instruction.
- The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.

¹³ Section 1002.33(5)(b), F.S.

¹⁴ *Id.*

¹⁵ Section 1002.33(7), F.S.

- The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school.
- A method for determining that a student has satisfied the requirements for graduation.
- A method for resolving conflicts between the governing board of the charter school and the sponsor.
- Admissions procedures and dismissal procedures, including the school's code of student conduct.
- The ways by which the school will achieve a racial/ethnic balance that reflects the community it serves.
- The financial and administrative management of the school.
- The asset and liability projections of the charter school.
- A description of procedures to reduce the impact of losses; plans to ensure the safety and security of students and staff; and the way the school will be insured.
- The term of the charter.
- The facilities to be used and their location.
- The qualifications of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff.
- The governance structure of the school.
- A timetable for implementing the charter.
- In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school.
- Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority.
- Implementation of the activities of a charter school determined to be a high-performing charter school.¹⁶

High Performing Charter Schools

A high-performing charter school is a school that has met each of the following criteria:¹⁷

- Received at least two school grades of "A" and no school grade below "B" for the last three years or received at least two consecutive school grades of "A" in the most recent two school years.
- Received an unqualified opinion on each annual audit in the most recent three years for which such audits are available
- Has not received a financial audit that revealed one or more of the financial emergency conditions set described in Florida law¹⁸ in the most three recent fiscal years for which audits are available or for initial eligibility, for the most recent two fiscal years if the charter school has earned two consecutive grades of "A."¹⁹

¹⁶ Section 1002.33(7), F.S.

¹⁷ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 26, 2025). See also s. 1002.331, F.S.

¹⁸ Section 208.503, F.S.

¹⁹ *Id.*

High performance charter schools are allowed additional considerations that include:²⁰

- Increasing the school's student enrollment once per school year to more than the capacity identified in the charter but limited to the capacity of the facility.
- Expanding grade levels within kindergarten through grade 12 to add grade levels not already served.
- Submitting a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidation under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board.
- Receiving a modification of its charter to a term of 15 years or a 15-year charter renewal.

Student Code of Conduct

Each district school board is required to adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools.²¹ The school district is required to distribute the codes to all teachers, school personnel, students, and parents, at the beginning of every school year. The code of conduct is required to be made available in the student handbook or a similar publication. Each code is required to include the following elements:²²

- Consistent policies and specific grounds for disciplinary action for the possession or use of alcohol.
- Procedures to be followed for acts requiring discipline, including corporal punishment.
- Responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.
- Responsibilities of each student with regard to appropriate dress, respect for self and others.
- Notice that illegal use, possession, or sale of controlled substances is grounds for disciplinary action by the school and can result in criminal penalties being imposed.
- Notice regarding use of a wireless communications device.
- Notice regarding the possession of a firearm or weapon.
- Notice regarding violence against any district school board personnel,
- Notice regarding violation of district school board transportation policies.
- Notice regarding violation of the district school board sexual harassment policy.
- Policies regarding the assignment of violent or disruptive students to an alternative educational program and referral to mental health services.
- Notice regarding a student having made a threat or false report involving school or school personnel's property, school transportation, or a school-sponsored activity.
- Criteria for recommending to law enforcement participation in a prearrest delinquency citation program as an alternative to expulsion or arrest.
- Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program.

Charter schools are not subject to the district school board adopted policies for code of conduct.²³

²⁰ Section 1002.331(2), F.S.

²¹ Section 1006.07(2), F.S.

²² Section 1006.07(2)(a)-(o), F.S.

²³ Section 1002.33(16), F.S.

Disposal of Property

Requirements for district school disposal of real property and tangible personal property are described in Florida law.²⁴

A district school board may dispose of any land or real property to which the board holds title deemed to be unnecessary for educational purposes as recommended in an educational plant survey. The district school board must take diligent measures to dispose of educational property only in the best interests of the public.²⁵

A district school board may dispose of tangible personal property that has been classified as surplus. Districts are required to make surplus available for a charter school's use on the same basis as the surplus property is made available to other public schools in the district. A charter school receiving property from the school district is prohibited from selling or disposing of that property without the written permission of the school district.²⁶

III. Effect of Proposed Changes:

SB 844 modifies numerous provisions related to charter schools including administrative, enrollment, control of students, student safety, facilities, and high-performing charter schools. The bill modifies s. 1002.33, F.S., which:

- Prohibits a charter school sponsor from imposing upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. The bill prohibits any deadline imposed upon a charter school for financial audits or other administrative requirements that is earlier than 15 days before the sponsor's own deadline for similar submissions to the Department of Education (DOE).
- Allows a charter school to increase its student enrollment to more than the capacity identified in the charter, as long as the increase does not exceed the facility capacity, including new or expanded facilities. The bill prohibits a sponsor from requiring facility capacity documentation earlier than 15 calendar days before the first day of school and prevents a sponsor from imposing a limitation on the charter school's student enrollment which is less than the facility capacity.
- Allows a charter school to assign its charter to the non-profit governing board of another charter, but allows a sponsor to require the governing board to provide specific information and may deny a request for the assignment of a charter if the sponsor demonstrates by clear and convincing evidence that the proposed governing board does not meet the requirements provided in statute.
- Allows a charter school governing board to adopt its own code of student conduct, which the sponsor may review and offer recommendations. The code of student conduct must meet or exceed the minimum standards in the sponsor's code of student conduct. If a provision of the code of student conduct is more stringent than the sponsor's code of student conduct it must align with the mission of the charter school. The bill requires that any complaint or appeal related to the code of student conduct has to be resolved by the charter school's governing

²⁴ Section 1013.28, F.S.

²⁵ Section 1013.28(1)(a), F.S.

²⁶ Section 1013.28(2), F.S.

board using the board's established procedures and must be in compliance with applicable law and rules.

- Removes the reference for priority enrollment in charter schools that specifically referred to Voluntary Prekindergarten (VPK) and adds a reference to include licensed child care programs in addition to those programs offered under the VPK program.
- Allows background screening to be conducted through a charter school sponsor or through a provider approved by the Florida Department of Law Enforcement and requires that the sponsor accept the outside background screening. The bill stipulates that the outside background screening must be at the charter school's expense.
- Requires charter schools to comply with s. 1001.42(8)(c), F.S., regarding procedures for notification of a student's parents related to a student's mental, emotional, or physical well-being.
- Adds "land" to the provision that allows a charter school to use the facilities owned by specified entities, such as a church, library, or other educational institution. The bill specifies that the use of such land is under existing zoning and land-use designations.
- Requires that the sponsor and the DOE ensure that student data, including student assessment data, are promptly and efficiently shared with charter schools, including a charter school's educational service provider and requires the data to be shared programmatically. The bill prohibits a sponsor or the DOE from delaying or denying the sharing of student data with charter schools, including a charter school's educational service provider, unless required by law.
- Clarifies that the provisions in law related to standards of conduct and financial disclosure are only to the extent that the specific law governing employment and contractual relationships with for-profit businesses or transactions between the charter school and for-profit businesses. The bill adds a requirement that a landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established as a charter school-in-a-municipality.

The bill modifies s. 1002.331, F.S., to allow a high performing charter school to assume the charter of an existing charter school within the same school district in which the high-performing charter school operates.

The bill modifies s. 1013.28, F.S., to provide legislative intent to prioritize the continued use of real property for public education purposes in alignment with the state's goal of supporting and expanding educational opportunities. The bill requires that prior to the disposal of any real property, including school facilities, by sale, transfer, lease, or disposal by a school district, the school district must provide written notice to each charter school operating within the school district of the intent to dispose of the real property. Charter schools within the school district are granted a right of first refusal for the purchase, lease, or use of the property for educational purposes. The bill prohibits the school district from finalizing any transaction involving the disposal of property until each charter school within the school district has been given a reasonable opportunity to express interest in property and submit an offer to the school district. The bill specifies that school districts may not dispose of real property without first meeting these requirements.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not impact state revenues or expenditures. However, the bill could provide costs savings to charter schools within the district by allowing them the opportunity to obtain property being disposed of by the school district.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.331 and 1013.28.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
