

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to education; amending s. 1002.33,  
3       F.S.; providing requirements for specified deadlines  
4       for charter schools; prohibiting a sponsor from  
5       imposing certain limitations on charter school  
6       enrollment; authorizing a charter school to increase  
7       its enrollment capacity under certain circumstances;  
8       providing requirements for such charter school's  
9       facilities; authorizing a charter school to assign its  
10      charter to another governing board under certain  
11      circumstances; providing requirements for such  
12      assignment; authorizing charter school governing  
13      boards to adopt their own codes of student conduct;  
14      providing requirements for such codes; providing  
15      requirements for the resolution of complaints or  
16      appeals relating to such codes; revising the criteria  
17      for a charter school to give enrollment preferences or  
18      limit the enrollment process to certain students;  
19      revising provisions relating to the background  
20      screenings of charter school employees and governing  
21      board members; requiring charter schools to be in  
22      compliance with specified provisions relating to  
23      student welfare; revising which facilities and land  
24      are exempt from specified ad valorem taxes; providing  
25      sponsor and Department of Education requirements for  
26      the sharing of specified data with charter schools,  
27      including educational service providers; providing  
28      that certain provisions only apply to certain  
29      relationships and transactions with for-profit

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30 businesses; prohibiting certain persons from serving  
31 as members of a charter school governing board;  
32 providing an exception; amending s. 1002.331, F.S.;  
33 authorizing high-performing charter schools to assume  
34 the charters of certain charter schools; amending s.  
35 1013.28, F.S.; providing legislative intent; requiring  
36 school districts to take specified actions before the  
37 disposal of real property; providing that charter  
38 schools within a school district have a right of first  
39 refusal for such real property; providing school  
40 district requirements before the finalization of any  
41 disposal of real property; prohibiting school  
42 districts from such disposal before meeting certain  
43 requirements; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Paragraphs (b) and (c) of subsection (5),  
48 subsection (7), paragraph (d) of subsection (10), paragraph (g)  
49 of subsection (12), paragraphs (b) and (c) of subsection (16),  
50 paragraph (c) of subsection (18), paragraph (a) of subsection  
51 (20), and paragraph (a) of subsection (26) of section 1002.33,  
52 Florida Statutes, are amended, and paragraph (s) is added to  
53 subsection (9) and paragraph (d) is added to subsection (26) of  
54 that section, to read:

55 1002.33 Charter schools.—

56 (5) SPONSOR; DUTIES.—

57 (b) *Sponsor duties*.—

58 1.a. The sponsor shall monitor and review the charter

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59 school in its progress toward the goals established in the  
60 charter.

61 b. The sponsor shall monitor the revenues and expenditures  
62 of the charter school and perform the duties provided in s.  
63 1002.345.

64 c. The sponsor may approve a charter for a charter school  
65 before the applicant has identified space, equipment, or  
66 personnel, if the applicant indicates approval is necessary for  
67 it to raise working funds.

68 d. The sponsor may not apply its policies to a charter  
69 school unless mutually agreed to by both the sponsor and the  
70 charter school. If the sponsor subsequently amends any agreed-  
71 upon sponsor policy, the version of the policy in effect at the  
72 time of the execution of the charter, or any subsequent  
73 modification thereof, shall remain in effect and the sponsor may  
74 not hold the charter school responsible for any provision of a  
75 newly revised policy until the revised policy is mutually agreed  
76 upon.

77 e. The sponsor shall ensure that the charter is innovative  
78 and consistent with the state education goals established by s.  
79 1000.03(5).

80 f. The sponsor shall ensure that the charter school  
81 participates in the state's education accountability system. If  
82 a charter school falls short of performance measures included in  
83 the approved charter, the sponsor shall report such shortcomings  
84 to the Department of Education.

85 g. The sponsor is not liable for civil damages under state  
86 law for personal injury, property damage, or death resulting  
87 from an act or omission of an officer, employee, agent, or

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88 governing body of the charter school.

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

92 i. The sponsor's duties to monitor the charter school do  
93 not constitute the basis for a private cause of action.

94 j. The sponsor may not impose additional reporting  
95 requirements on a charter school as long as the charter school  
96 has not been identified as having a deteriorating financial  
97 condition or financial emergency pursuant to s. 1002.345.

98 k. The sponsor may not impose upon a charter school  
99 administrative deadlines that are earlier than the sponsor's own  
100 corresponding deadlines for similar reports or submissions. Any  
101 deadline imposed upon a charter school for financial audits or  
102 other administrative requirements may not be earlier than 15  
103 days before the sponsor's own deadline for similar submissions  
104 to the department.

105 ~~l.k.~~ The sponsor shall submit an annual report to the  
106 Department of Education in a web-based format to be determined  
107 by the department.

108 (I) The report must ~~shall~~ include the following  
109 information:

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

113 (B) The date each application was approved, denied, or  
114 withdrawn.

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

116 (II) Annually, by November 1, the sponsor shall submit to

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117 the department the information for the applications submitted  
118 the previous year.

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

122 2. Immunity for the sponsor of a charter school under  
123 subparagraph 1. applies only with respect to acts or omissions  
124 not under the sponsor's direct authority as described in this  
125 section.

126 3. This paragraph does not waive a sponsor's sovereign  
127 immunity.

128 4. A Florida College System institution may work with the  
129 school district or school districts in its designated service  
130 area to develop charter schools that offer secondary education.  
131 These charter schools must include an option for students to  
132 receive an associate degree upon high school graduation. If a  
133 Florida College System institution operates an approved teacher  
134 preparation program under s. 1004.04 or s. 1004.85, the  
135 institution may operate charter schools that serve students in  
136 kindergarten through grade 12 in any school district within the  
137 service area of the institution. District school boards shall  
138 cooperate with and assist the Florida College System institution  
139 on the charter application. Florida College System institution  
140 applications for charter schools are not subject to the time  
141 deadlines outlined in subsection (6) and may be approved by the  
142 district school board at any time during the year. Florida  
143 College System institutions may not report FTE for any students  
144 participating under this subparagraph who receive FTE funding  
145 through the Florida Education Finance Program.

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146           5. For purposes of assisting the development of a charter  
147 school, a school district may enter into nonexclusive interlocal  
148 agreements with federal and state agencies, counties,  
149 municipalities, and other governmental entities that operate  
150 within the geographical borders of the school district to act on  
151 behalf of such governmental entities in the inspection,  
152 issuance, and other necessary activities for all necessary  
153 permits, licenses, and other permissions that a charter school  
154 needs in order for development, construction, or operation. A  
155 charter school may use, but may not be required to use, a school  
156 district for these services. The interlocal agreement must  
157 include, but need not be limited to, the identification of fees  
158 that charter schools will be charged for such services. The fees  
159 must consist of the governmental entity's fees plus a fee for  
160 the school district to recover no more than actual costs for  
161 providing such services. These services and fees are not  
162 included within the services to be provided pursuant to  
163 subsection (20). Notwithstanding any other provision of law, an  
164 interlocal agreement or ordinance that imposes a greater  
165 regulatory burden on charter schools than school districts or  
166 that prohibits or limits the creation of a charter school is  
167 void and unenforceable. An interlocal agreement entered into by  
168 a school district for the development of only its own schools,  
169 including provisions relating to the extension of  
170 infrastructure, may be used by charter schools.

171           6. The board of trustees of a sponsoring state university  
172 or Florida College System institution under paragraph (a) is the  
173 local educational agency for all charter schools it sponsors for  
174 purposes of receiving federal funds and accepts full

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175 responsibility for all local educational agency requirements and  
176 the schools for which it will perform local educational agency  
177 responsibilities. A student enrolled in a charter school that is  
178 sponsored by a state university or Florida College System  
179 institution may not be included in the calculation of the school  
180 district's grade under s. 1008.34(5) for the school district in  
181 which he or she resides.

182 (c) *Sponsor accountability.*—

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

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

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

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

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

194 2. The department shall compile the results by sponsor and  
195 include the results in the report required under sub-sub-  
196 subparagraph (b)1.l.(III) ~~(b)1.k.(III)~~.

197 (7) CHARTER.—The terms and conditions for the operation of  
198 a charter school, including a virtual charter school, must ~~shall~~  
199 be set forth by the sponsor and the applicant in a written  
200 contractual agreement, called a charter. The sponsor and the  
201 governing board of the charter school or virtual charter school  
202 shall use the standard charter contract or standard virtual  
203 charter contract, respectively, pursuant to subsection (21),

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204 which shall incorporate the approved application and any addenda  
205 approved with the application. Any term or condition of a  
206 proposed charter contract or proposed virtual charter contract  
207 that differs from the standard charter or virtual charter  
208 contract adopted by rule of the State Board of Education is  
209 ~~shall be~~ presumed a limitation on charter school flexibility.  
210 The sponsor may not impose unreasonable rules or regulations  
211 that violate the intent of giving charter schools greater  
212 flexibility to meet educational goals. Limitations on student  
213 enrollment which are less than the documented facility capacity  
214 are unreasonable and may not be imposed. The charter shall be  
215 signed by the governing board of the charter school and the  
216 sponsor, following a public hearing to ensure community input.

217 (a) The charter shall address and criteria for approval of  
218 the charter shall be based on:

219 1. The school's mission, the types of students to be  
220 served, and, for a virtual charter school, the types of students  
221 the school intends to serve who reside outside of the sponsoring  
222 school district, and the ages and grades to be included.

223 2. The focus of the curriculum, the instructional methods  
224 to be used, any distinctive instructional techniques to be  
225 employed, and identification and acquisition of appropriate  
226 technologies needed to improve educational and administrative  
227 performance which include a means for promoting safe, ethical,  
228 and appropriate uses of technology which comply with legal and  
229 professional standards.

230 a. The charter shall ensure that reading is a primary focus  
231 of the curriculum and that resources are provided to identify  
232 and provide specialized instruction for students who are reading



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233 below grade level. The curriculum and instructional strategies  
234 for reading must be consistent with the state's academic  
235 standards and grounded in scientifically based reading research.  
236 Reading instructional strategies for foundational skills shall  
237 include phonics instruction for decoding and encoding as the  
238 primary instructional strategy for word reading. Instructional  
239 strategies may not employ the three-cueing system model of  
240 reading or visual memory as a basis for teaching word reading.  
241 Such strategies may include visual information and strategies  
242 that improve background and experiential knowledge, add context,  
243 and increase oral language and vocabulary to support  
244 comprehension, but may not be used to teach word reading.

245       b. The charter shall ensure that mathematics is a focus of  
246 the curriculum and that resources are provided to identify and  
247 provide specialized instruction for students who are performing  
248 below grade level.

249       c. In order to provide students with access to diverse  
250 instructional delivery models, to facilitate the integration of  
251 technology within traditional classroom instruction, and to  
252 provide students with the skills they need to compete in the  
253 21st century economy, the Legislature encourages instructional  
254 methods for blended learning courses consisting of both  
255 traditional classroom and online instructional techniques.  
256 Charter schools may implement blended learning courses which  
257 combine traditional classroom instruction and virtual  
258 instruction. Students in a blended learning course must be full-  
259 time students of the charter school pursuant to s.  
260 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
261 1012.55 who provide virtual instruction for blended learning

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262 courses may be employees of the charter school or may be under  
263 contract to provide instructional services to charter school  
264 students. At a minimum, such instructional personnel must hold  
265 an active state or school district adjunct certification under  
266 s. 1012.57 for the subject area of the blended learning course.  
267 The funding and performance accountability requirements for  
268 blended learning courses are the same as those for traditional  
269 courses.

270 3. The current incoming baseline standard of student  
271 academic achievement, the outcomes to be achieved, and the  
272 method of measurement that will be used. The criteria listed in  
273 this subparagraph shall include a detailed description of:

274 a. How the baseline student academic achievement levels and  
275 prior rates of academic progress will be established.

276 b. How these baseline rates will be compared to rates of  
277 academic progress achieved by these same students while  
278 attending the charter school.

279 c. To the extent possible, how these rates of progress will  
280 be evaluated and compared with rates of progress of other  
281 closely comparable student populations.

282  
283 A district school board is required to provide academic student  
284 performance data to charter schools for each of their students  
285 coming from the district school system, as well as rates of  
286 academic progress of comparable student populations in the  
287 district school system.

288 4. The methods used to identify the educational strengths  
289 and needs of students and how well educational goals and  
290 performance standards are met by students attending the charter

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291 school. The methods must ~~shall~~ provide a means for the charter  
292 school to ensure accountability to its constituents by analyzing  
293 student performance data and by evaluating the effectiveness and  
294 efficiency of its major educational programs. Students in  
295 charter schools shall, at a minimum, participate in the  
296 statewide assessment program created under s. 1008.22.

297 5. In secondary charter schools, a method for determining  
298 that a student has satisfied the requirements for graduation in  
299 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

300 6. A method for resolving conflicts between the governing  
301 board of the charter school and the sponsor.

302 7. The admissions procedures and dismissal procedures,  
303 including the school's code of student conduct. Admission or  
304 dismissal must not be based on a student's academic performance,  
305 except as authorized under subparagraph (10)(e)5.

306 8. The ways by which the school will achieve a  
307 racial/ethnic balance reflective of the community it serves or  
308 within the racial/ethnic range of other nearby public schools or  
309 school districts.

310 9. The financial and administrative management of the  
311 school, including a reasonable demonstration of the professional  
312 experience or competence of those individuals or organizations  
313 applying to operate the charter school or those hired or  
314 retained to perform such professional services and the  
315 description of clearly delineated responsibilities and the  
316 policies and practices needed to effectively manage the charter  
317 school. A description of internal audit procedures and  
318 establishment of controls to ensure that financial resources are  
319 properly managed must be included. Both public sector and

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320 private sector professional experience shall be equally valid in  
321 such a consideration.

322 10. The asset and liability projections required in the  
323 application which are incorporated into the charter and shall be  
324 compared with information provided in the annual report of the  
325 charter school.

326 11. A description of procedures that identify various risks  
327 and provide for a comprehensive approach to reduce the impact of  
328 losses; plans to ensure the safety and security of students and  
329 staff; plans to identify, minimize, and protect others from  
330 violent or disruptive student behavior; and the manner in which  
331 the school will be insured, including whether or not the school  
332 will be required to have liability insurance, and, if so, the  
333 terms and conditions thereof and the amounts of coverage.

334 12. The term of the charter which shall provide for  
335 cancellation of the charter if insufficient progress has been  
336 made in attaining the student achievement objectives of the  
337 charter and if it is not likely that such objectives can be  
338 achieved before expiration of the charter. The initial term of a  
339 charter shall be for 5 years, excluding 2 planning years. In  
340 order to facilitate access to long-term financial resources for  
341 charter school construction, charter schools that are operated  
342 by a municipality or other public entity as provided by law are  
343 eligible for up to a 15-year charter, subject to approval by the  
344 sponsor. A charter lab school is eligible for a charter for a  
345 term of up to 15 years. In addition, to facilitate access to  
346 long-term financial resources for charter school construction,  
347 charter schools that are operated by a private, not-for-profit,  
348 s. 501(c)(3) status corporation are eligible for up to a 15-year

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349 charter, subject to approval by the sponsor. Such long-term  
350 charters remain subject to annual review and may be terminated  
351 during the term of the charter, but only according to the  
352 provisions set forth in subsection (8).

353 13. The facilities to be used and their location. The  
354 sponsor may not require a charter school to have a certificate  
355 of occupancy or a temporary certificate of occupancy for such a  
356 facility earlier than 15 calendar days before the first day of  
357 school. A charter school is authorized to increase its student  
358 enrollment to more than the capacity identified in the charter,  
359 but such enrollment may not exceed the capacity of the facility  
360 at the time the enrollment increase will take effect. For  
361 purposes of a charter school's expansion, a facility's capacity  
362 includes any improvements to an existing facility or any new  
363 facility that will be used by the students of the charter  
364 school. The sponsor may not require facility capacity  
365 documentation earlier than 15 calendar days before the first day  
366 of school. The sponsor may not impose a limitation on the  
367 charter school's student enrollment which is less than the  
368 facility capacity.

369 14. The qualifications to be required of the teachers and  
370 the potential strategies used to recruit, hire, train, and  
371 retain qualified staff to achieve best value.

372 15. The governance structure of the school, including the  
373 status of the charter school as a public or private employer as  
374 required in paragraph (12) (i).

375 16. A timetable for implementing the charter which  
376 addresses the implementation of each element thereof and the  
377 date by which the charter shall be awarded in order to meet this

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378 timetable.

379 17. In the case of an existing public school that is being  
380 converted to charter status, alternative arrangements for  
381 current students who choose not to attend the charter school and  
382 for current teachers who choose not to teach in the charter  
383 school after conversion in accordance with the existing  
384 collective bargaining agreement or district school board rule in  
385 the absence of a collective bargaining agreement. However,  
386 alternative arrangements are ~~shall~~ not ~~be~~ required for current  
387 teachers who choose not to teach in a charter lab school, except  
388 as authorized by the employment policies of the state university  
389 which grants the charter to the lab school.

390 18. Full disclosure of the identity of all relatives  
391 employed by the charter school who are related to the charter  
392 school owner, president, chairperson of the governing board of  
393 directors, superintendent, governing board member, principal,  
394 assistant principal, or any other person employed by the charter  
395 school who has equivalent decisionmaking authority. For the  
396 purpose of this subparagraph, the term "relative" means father,  
397 mother, son, daughter, brother, sister, uncle, aunt, first  
398 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
399 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
400 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
401 stepsister, half brother, or half sister.

402 19. Implementation of the activities authorized under s.  
403 1002.331 by the charter school when it satisfies the eligibility  
404 requirements for a high-performing charter school. A high-  
405 performing charter school shall notify its sponsor in writing by  
406 March 1 if it intends to increase enrollment or expand grade

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407 levels the following school year. The written notice must ~~shall~~  
408 specify the amount of the enrollment increase and the grade  
409 levels that will be added, as applicable.

410 (b) The sponsor has 30 days after approval of the  
411 application to provide an initial proposed charter contract to  
412 the charter school. The applicant and the sponsor have 40 days  
413 thereafter to negotiate and notice the charter contract for  
414 final approval by the sponsor unless both parties agree to an  
415 extension. The proposed charter contract must ~~shall~~ be provided  
416 to the charter school at least 7 calendar days before the date  
417 of the meeting at which the charter is scheduled to be voted  
418 upon by the sponsor. The Department of Education shall provide  
419 mediation services for any dispute regarding this section  
420 subsequent to the approval of a charter application and for any  
421 dispute relating to the approved charter, except a dispute  
422 regarding a charter school application denial. If either the  
423 charter school or the sponsor indicates in writing that the  
424 party does not desire to settle any dispute arising under this  
425 section through mediation procedures offered by the Department  
426 of Education, a charter school may immediately appeal any formal  
427 or informal decision by the sponsor to an administrative law  
428 judge appointed by the Division of Administrative Hearings. If  
429 the Commissioner of Education determines that the dispute cannot  
430 be settled through mediation, the dispute may also be appealed  
431 to an administrative law judge appointed by the Division of  
432 Administrative Hearings. The administrative law judge has final  
433 order authority to rule on issues of equitable treatment of the  
434 charter school as a public school, whether proposed provisions  
435 of the charter violate the intended flexibility granted charter

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436 schools by statute, or any other matter regarding this section,  
437 except a dispute regarding charter school application denial, a  
438 charter termination, or a charter nonrenewal. The administrative  
439 law judge shall award the prevailing party reasonable attorney  
440 fees and costs incurred during the mediation process,  
441 administrative proceeding, and any appeals, to be paid by the  
442 party against whom the administrative law judge rules.

443 (c)1. A charter may be renewed provided that a program  
444 review demonstrates that the criteria in paragraph (a) have been  
445 successfully accomplished and that none of the grounds for  
446 nonrenewal established by paragraph (8)(a) have been expressly  
447 found. The charter of a charter school that meets these  
448 requirements and has received a school grade lower than a "B"  
449 pursuant to s. 1008.34 in the most recently graded school year  
450 must be renewed for no less than a 5-year term except as  
451 provided in paragraph (9)(n). In order to facilitate long-term  
452 financing for charter school construction, charter schools  
453 operating for a minimum of 3 years and demonstrating exemplary  
454 academic programming and fiscal management are eligible for a  
455 15-year charter renewal. Such long-term charter is subject to  
456 annual review and may be terminated during the term of the  
457 charter.

458 2. The 15-year charter renewal that may be granted pursuant  
459 to subparagraph 1. must be granted to a charter school that has  
460 received a school grade of "A" or "B" pursuant to s. 1008.34 in  
461 the most recently graded school year and that is not in a state  
462 of financial emergency or deficit position as defined by this  
463 section. Such long-term charter is subject to annual review and  
464 may be terminated during the term of the charter pursuant to



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465 subsection (8).

466 (d) A charter may be modified during its term upon the  
467 recommendation of the sponsor or the charter school's governing  
468 board and the approval of both parties to the agreement. Changes  
469 to curriculum which are consistent with state standards are  
470 ~~shall be~~ deemed approved unless the sponsor and the Department  
471 of Education determine in writing that the curriculum is  
472 inconsistent with state standards. Modification during any term  
473 may include, but is not limited to, consolidation of multiple  
474 charters into a single charter if the charters are operated  
475 under the same governing board, regardless of the renewal cycle.  
476 A charter school that is not subject to a school improvement  
477 plan and that closes as part of a consolidation must ~~shall~~ be  
478 reported by the sponsor as a consolidation. A request for  
479 consolidation of multiple charters must be approved or denied  
480 within 60 days after the submission of the request. If the  
481 request is denied, the sponsor must ~~shall~~ notify the charter  
482 school's governing board of the denial and provide the specific  
483 reasons, in reasonable detail, for the denial of the request for  
484 consolidation within 10 days. A charter school may assign its  
485 charter to the governing board of another charter if the  
486 governing board is a nonprofit entity or otherwise meets the  
487 requirements of paragraph (12)(i). A sponsor may require the  
488 proposed governing board to provide information required by  
489 subparagraph (6)(a)6. and may deny a request for the assignment  
490 of a charter if the sponsor demonstrates by clear and convincing  
491 evidence that the proposed governing board does not meet the  
492 requirements of this subsection.

493 (e) A charter may be terminated by a charter school's

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494 governing board through voluntary closure. The decision to cease  
495 operations must be determined at a public meeting. The governing  
496 board shall notify the parents and sponsor of the public meeting  
497 in writing before the public meeting. The governing board must  
498 notify the sponsor, parents of enrolled students, and the  
499 department in writing within 24 hours after the public meeting  
500 of its determination. The notice must ~~shall~~ state the charter  
501 school's intent to continue operations or the reason for the  
502 closure and acknowledge that the governing board agrees to  
503 follow the procedures for dissolution and reversion of public  
504 funds pursuant to paragraphs (8) (d)-(f) and (9) (o).

505 (f) A charter may include a provision requiring the charter  
506 school to be held responsible for all costs associated with, but  
507 not limited to, mediation, damages, and attorney fees incurred  
508 by the district in connection with complaints to the Office of  
509 Civil Rights or the Equal Employment Opportunity Commission.

510 (9) CHARTER SCHOOL REQUIREMENTS.-

511 (s) A charter school governing board may adopt its own code  
512 of student conduct. The code of student conduct must meet or  
513 exceed the minimum standards set forth in the sponsor's code of  
514 student conduct. Any provision of the code of student conduct  
515 which is more stringent than the sponsor's code of student  
516 conduct must align with the mission of the charter school. The  
517 sponsor may review the code and offer recommendations. Any  
518 complaint or appeal related to the code of student conduct must  
519 be resolved by the charter school's governing board using the  
520 board's established procedures and must be in compliance with  
521 applicable law and rules.

522 (10) ELIGIBLE STUDENTS.-

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

525 1. Students who are siblings of a student enrolled in the  
526 charter school.

527 2. Students who are the children of a member of the  
528 governing board of the charter school.

529 3. Students who are the children of an employee of the  
530 charter school.

531 4. Students who are the children of:

532 a. An employee of the business partner of a charter school-  
533 in-the-workplace established under paragraph (15)(b) or a  
534 resident of the municipality in which such charter school is  
535 located; or

536 b. A resident or employee of a municipality that operates a  
537 charter school-in-a-municipality pursuant to paragraph (15)(c)  
538 or allows a charter school to use a school facility or portion  
539 of land provided by the municipality for the operation of the  
540 charter school.

541 5. Students who have successfully completed, during the  
542 previous year, a ~~voluntary~~ prekindergarten education program  
543 under s. 402.3025 or ss. 1002.51-1002.79 provided by the charter  
544 school, the charter school's governing board, or a ~~voluntary~~  
545 prekindergarten provider that has a written agreement with the  
546 governing board.

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

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

551 8. Students who are the children of a safe-school officer,

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552 as defined in s. 1006.12, at the school.

553 9. Students who transfer from a classical school in this  
554 state to a charter classical school in this state. For purposes  
555 of this subparagraph, the term "classical school" means a  
556 traditional public school or charter school that implements a  
557 classical education model that emphasizes the development of  
558 students in the principles of moral character and civic virtue  
559 through a well-rounded education in the liberal arts and  
560 sciences which is based on the classical trivium stages of  
561 grammar, logic, and rhetoric.

562 (12) EMPLOYEES OF CHARTER SCHOOLS.—

563 (g)1. A charter school shall employ or contract with  
564 employees and governing board members who have undergone  
565 background screening as provided in s. 1012.32. Such background  
566 screening must have been conducted through the sponsor or  
567 through fingerprinting at a Department of Law Enforcement-  
568 approved provider. The sponsor must accept fingerprints taken by  
569 a provider approved by the Department of Law Enforcement.  
570 Employees and members of a governing board who serve in more  
571 than one county have the option to undergo fingerprinting  
572 through the Department of Law Enforcement at the charter  
573 school's expense ~~Members of the governing board of the charter~~  
574 ~~school shall also undergo background screening in a manner~~  
575 ~~similar to that provided in s. 1012.32.~~ An individual may not be  
576 employed as an employee or contract personnel of a charter  
577 school or serve as a member of a charter school governing board  
578 if the individual is on the disqualification list maintained by  
579 the department pursuant to s. 1001.10(4)(b).

580 2. A charter school shall prohibit educational support

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581 employees, instructional personnel, and school administrators,  
582 as defined in s. 1012.01, from employment in any position that  
583 requires direct contact with students if the employees,  
584 personnel, or administrators are ineligible for such employment  
585 under s. 1012.315 or have been terminated or have resigned in  
586 lieu of termination for sexual misconduct with a student. If the  
587 prohibited conduct occurs while employed, a charter school must  
588 report the individual and the disqualifying circumstances to the  
589 department for inclusion on the disqualification list maintained  
590 pursuant to s. 1001.10(4)(b).

591 3. The governing board of a charter school shall adopt  
592 policies establishing standards of ethical conduct for  
593 educational support employees, instructional personnel, and  
594 school administrators. The policies must require all educational  
595 support employees, instructional personnel, and school  
596 administrators, as defined in s. 1012.01, to complete training  
597 on the standards; establish the duty of educational support  
598 employees, instructional personnel, and school administrators to  
599 report, and procedures for reporting, alleged misconduct that  
600 affects the health, safety, or welfare of a student; and include  
601 an explanation of the liability protections provided under ss.  
602 39.203 and 768.095. A charter school, or any of its employees,  
603 may not enter into a confidentiality agreement regarding  
604 terminated or dismissed educational support employees,  
605 instructional personnel, or school administrators, or employees,  
606 personnel, or administrators who resign in lieu of termination,  
607 based in whole or in part on misconduct that affects the health,  
608 safety, or welfare of a student, and may not provide employees,  
609 personnel, or administrators with employment references or

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610 discuss the employees', personnel's, or administrators'  
611 performance with prospective employers in another educational  
612 setting, without disclosing the employees', personnel's, or  
613 administrators' misconduct. Any part of an agreement or contract  
614 that has the purpose or effect of concealing misconduct by  
615 educational support employees, instructional personnel, or  
616 school administrators which affects the health, safety, or  
617 welfare of a student is void, is contrary to public policy, and  
618 may not be enforced.

619 4. Before employing an individual in any position that  
620 requires direct contact with students, a charter school shall  
621 conduct employment history checks of each individual through use  
622 of the educator screening tools described in s. 1001.10(5), and  
623 document the findings. If unable to contact a previous employer,  
624 the charter school must document efforts to contact the  
625 employer.

626 5. The sponsor of a charter school that knowingly fails to  
627 comply with this paragraph shall terminate the charter under  
628 subsection (8).

629 (16) EXEMPTION FROM STATUTES.—

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

632 1. Section 286.011, relating to public meetings and  
633 records, public inspection, and criminal and civil penalties.

634 2. Chapter 119, relating to public records.

635 3. Section 1003.03, relating to the maximum class size,  
636 except that the calculation for compliance pursuant to s.  
637 1003.03 shall be the average at the school level.

638 4. Section 1012.22(1)(c), relating to compensation and

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639 salary schedules.

640 5. Section 1012.33(5), relating to workforce reductions.

641 6. Section 1012.335, relating to contracts with  
642 instructional personnel hired on or after July 1, 2011.

643 7. Section 1012.34, relating to the substantive  
644 requirements for performance evaluations for instructional  
645 personnel and school administrators.

646 8. Section 1006.12, relating to safe-school officers.

647 9. Section 1006.07(7), relating to threat management teams.

648 10. Section 1006.07(9), relating to School Environmental  
649 Safety Incident Reporting.

650 11. Section 1006.07(10), relating to reporting of  
651 involuntary examinations.

652 12. Section 1006.1493, relating to the Florida Safe Schools  
653 Assessment Tool.

654 13. Section 1006.07(6)(d), relating to adopting an active  
655 assailant response plan.

656 14. Section 943.082(4)(b), relating to the mobile  
657 suspicious activity reporting tool.

658 15. Section 1012.584, relating to youth mental health  
659 awareness and assistance training.

660 16. Section 1001.42(4)(f)2., relating to middle school and  
661 high school start times. A charter school-in-the-workplace is  
662 exempt from this requirement.

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

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

665 1. The duties assigned to a district school superintendent  
666 apply to charter school administrative personnel, as defined in  
667 s. 1012.01(3)(a) and (b), and the charter school governing board

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668 shall designate at least one administrative person to be  
669 responsible for such duties.

670 2. The duties assigned to a district school board apply to  
671 a charter school governing board.

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

674 4. Notwithstanding any provision to the contrary,  
675 instructional personnel and other employees on contract may be  
676 suspended or dismissed any time during the term of the contract  
677 without cause.

678 (18) FACILITIES.—

679 (c) Any facility, or portion thereof, used to house a  
680 charter school whose charter has been approved by the sponsor  
681 and the governing board, pursuant to subsection (7), is exempt  
682 from ad valorem taxes pursuant to s. 196.1983. Any facility or  
683 land owned by a library, community service, museum, performing  
684 arts, theater, cinema, or church facility; any facility or land  
685 owned by a Florida College System institution or university; any  
686 similar public institutional facilities or land; and any  
687 facility recently used to house a school or child care facility  
688 licensed under s. 402.305 may provide space to charter schools  
689 within their facilities or their land under their preexisting  
690 zoning and land use designations without obtaining a special  
691 exception, rezoning, or a land use change.

692 (20) SERVICES.—

693 (a)1. A sponsor shall provide certain administrative and  
694 educational services to charter schools. These services shall  
695 include contract management services; full-time equivalent and  
696 data reporting services; exceptional student education



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697 administration services; services related to eligibility and  
698 reporting duties required to ensure that school lunch services  
699 under the National School Lunch Program, consistent with the  
700 needs of the charter school, are provided by the sponsor at the  
701 request of the charter school, that any funds due to the charter  
702 school under the National School Lunch Program be paid to the  
703 charter school as soon as the charter school begins serving food  
704 under the National School Lunch Program, and that the charter  
705 school is paid at the same time and in the same manner under the  
706 National School Lunch Program as other public schools serviced  
707 by the sponsor or the school district; test administration  
708 services, including payment of the costs of state-required or  
709 district-required student assessments; processing of teacher  
710 certificate data services; and information services, including  
711 equal access to the sponsor's student information systems that  
712 are used by public schools in the district in which the charter  
713 school is located or by schools in the sponsor's portfolio of  
714 charter schools if the sponsor is not a school district. Student  
715 performance data for each student in a charter school,  
716 including, but not limited to, FCAT scores, standardized test  
717 scores, previous public school student report cards, and student  
718 performance measures, shall be provided by the sponsor to a  
719 charter school in the same manner provided to other public  
720 schools in the district or by schools in the sponsor's portfolio  
721 of charter schools if the sponsor is not a school district. The  
722 sponsor and the department shall ensure that student data,  
723 including student assessment data, are promptly and efficiently  
724 shared with charter schools, including a charter school's  
725 educational service provider. Such data must be shared

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726 programmatically. A sponsor or the department may not delay or  
727 deny the sharing of student data with charter schools, including  
728 a charter school's educational service provider, unless required  
729 by general or federal law.

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

732 3. A sponsor may withhold an administrative fee for the  
733 provision of such services which is ~~shall be~~ a percentage of the  
734 available funds defined in paragraph (17)(b) calculated based on  
735 weighted full-time equivalent students. If the charter school  
736 serves 75 percent or more exceptional education students as  
737 defined in s. 1003.01(9), the percentage must ~~shall~~ be  
738 calculated based on unweighted full-time equivalent students.  
739 The administrative fee must ~~shall~~ be calculated as follows:

740 a. Up to 5 percent for:

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

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

745 (A) Includes conversion charter schools and nonconversion  
746 charter schools.

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

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

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

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

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

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755           b. Up to 2 percent for enrollment of up to and including  
756 250 students in a high-performing charter school as defined in  
757 s. 1002.331.

758           c. Up to 2 percent for enrollment of up to and including  
759 250 students in an exceptional student education center that  
760 meets the requirements of the rules adopted by the State Board  
761 of Education pursuant to s. 1008.3415(3).

762           4. A sponsor may not charge charter schools any additional  
763 fees or surcharges for administrative and educational services  
764 in addition to the maximum percentage of administrative fees  
765 withheld pursuant to this paragraph. A sponsor may not charge or  
766 withhold any administrative fee against a charter school for any  
767 funds specifically allocated by the Legislature for teacher  
768 compensation.

769           5. A sponsor shall provide to the department by September  
770 15 of each year the total amount of funding withheld from  
771 charter schools pursuant to this subsection for the prior fiscal  
772 year. The department must include the information in the report  
773 required under sub-sub-subparagraph (5)(b)1.k.(III).

774           6. A sponsor shall annually provide a report to its charter  
775 schools on what services are being rendered from the sponsor's  
776 portion of the administrative fee. The report must include the  
777 listed services and be submitted to the department by September  
778 15 of each year.

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

780           (a) A member of a governing board of a charter school,  
781 including a charter school operated by a private entity, is  
782 subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3) to  
783 the extent that such statutes concern employment and contractual

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784 relationships with for-profit businesses or transactions between  
785 the charter school and for-profit businesses.

786 (d) A landlord of a charter school or his or her spouse or  
787 an officer, director, or employee of an entity that is a  
788 landlord of a charter school or his or her spouse may not be a  
789 member of a governing board of a charter school unless the  
790 charter school was established pursuant to paragraph (15)(c).

791 Section 2. Subsection (2) of section 1002.331, Florida  
792 Statutes, is amended to read:

793 1002.331 High-performing charter schools.—

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

795 (a) Increase its student enrollment once per school year to  
796 more than the capacity identified in the charter, but student  
797 enrollment may not exceed the capacity of the facility at the  
798 time the enrollment increase will take effect. Facility capacity  
799 for purposes of expansion must ~~shall~~ include any improvements to  
800 an existing facility or any new facility in which the students  
801 of the high-performing charter school will enroll.

802 (b) Expand grade levels within kindergarten through grade  
803 12 to add grade levels not already served if any annual  
804 enrollment increase resulting from grade level expansion is  
805 within the limit established in paragraph (a).

806 (c) Submit a quarterly, rather than a monthly, financial  
807 statement to the sponsor pursuant to s. 1002.33(9)(g).

808 (d) Consolidate under a single charter the charters of  
809 multiple high-performing charter schools operated in the same  
810 school district by the charter schools' governing board  
811 regardless of the renewal cycle.

812 (e) Receive a modification of its charter to a term of 15

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813 years or a 15-year charter renewal. The charter may be modified  
814 or renewed for a shorter term at the option of the high-  
815 performing charter school. The charter must be consistent with  
816 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual  
817 review by the sponsor, and may be terminated during its term  
818 pursuant to s. 1002.33(8).

819 (f) Assume the charter of an existing charter school within  
820 the same school district in which it operates.

821  
822 A high-performing charter school shall notify its sponsor in  
823 writing by March 1 if it intends to increase enrollment or  
824 expand grade levels the following school year. The written  
825 notice must ~~shall~~ specify the amount of the enrollment increase  
826 and the grade levels that will be added, as applicable. If a  
827 charter school notifies the sponsor of its intent to expand, the  
828 sponsor must ~~shall~~ modify the charter within 90 days to include  
829 the new enrollment maximum and may not make any other changes.  
830 The sponsor may deny a request to increase the enrollment of a  
831 high-performing charter school if the commissioner has  
832 declassified the charter school as high-performing. If a high-  
833 performing charter school requests to consolidate multiple  
834 charters or to assume an existing charter, the sponsor has ~~shall~~  
835 ~~have~~ 40 days after receipt of that request to provide an initial  
836 draft charter to the charter school. The sponsor and charter  
837 school shall have 50 days thereafter to negotiate and notice the  
838 charter contract for final approval by the sponsor.

839 Section 3. Present paragraph (b) of subsection (1) of  
840 section 1013.28, Florida Statutes, is redesignated as paragraph  
841 (c), and a new paragraph (b) is added to that subsection, to

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842 read:

843 1013.28 Disposal of property.-

844 (1) REAL PROPERTY.-

845 (b)1. It is the intent of the Legislature to prioritize the  
846 continued use of real property for public education purposes in  
847 alignment with the state's goal of supporting and expanding  
848 educational opportunities.

849 2. Before the disposal of any real property, including  
850 school facilities, by sale, transfer, lease, or disposal by a  
851 school district, the school district shall provide written  
852 notice to each charter school operating within the school  
853 district of the intent to dispose of such property. Charter  
854 schools within the school district shall be granted a right of  
855 first refusal for the purchase, lease, or use of the property  
856 for educational purposes. The school district may not finalize  
857 any transaction involving the disposal of property until each  
858 charter school within the school district has been given a  
859 reasonable opportunity to express interest in and submit an  
860 offer to the school district for such property to ensure the  
861 continuity of educational services within the community.

862 3. The school district may not engage in the disposal of  
863 real property without first meeting the requirements of this  
864 paragraph.

865 Section 4. This act shall take effect July 1, 2025.