

By Senator Hutson

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1                   A bill to be entitled  
2       An act relating to school choice; amending s. 1002.33,  
3       F.S.; revising the purposes that charter schools are  
4       authorized to fulfill; authorizing state universities  
5       to sponsor charter schools to meet regional education  
6       and workforce demands by serving students from  
7       multiple counties; authorizing Florida College System  
8       institutions to sponsor charter schools within their  
9       respective service areas for a certain purpose and to  
10      offer postsecondary programs leading to industry  
11      certifications to eligible students; revising sponsor  
12      duties relating to an annual report submitted to the  
13      Department of Education; requiring the department, in  
14      collaboration with charter school sponsors and  
15      operators, to develop a framework for the evaluation  
16      of sponsors; providing requirements for such  
17      framework; revising requirements related to the  
18      receipt and consideration of charter school  
19      applications; deleting obsolete language; revising the  
20      areas required to be addressed by charters, which also  
21      serve as the basis for approval criteria; conforming  
22      provisions to changes made by the act; revising  
23      requirements for an annual survey required to be  
24      submitted to the department by charter schools;  
25      providing that the standard charter renewal contract  
26      be developed by consulting and negotiating with  
27      sponsors and charter schools; revising charter school  
28      reporting requirements; revising requirements for a  
29      charter school system's governing board to be

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30 designated a local educational agency; requiring the  
 31 department to consult with sponsors, instead of school  
 32 districts, when recommending certain rules; making  
 33 technical changes; providing an effective date.

34  
 35 Be It Enacted by the Legislature of the State of Florida:

36  
 37 Section 1. Paragraph (c) of subsection (2), subsection (5),  
 38 paragraph (b) of subsection (6), paragraphs (a) and (d) of  
 39 subsection (7), paragraphs (d) and (e) of subsection (8),  
 40 subsection (14), paragraph (c) of subsection (15), paragraphs  
 41 (a) and (e) of subsection (17), paragraph (e) of subsection  
 42 (18), and subsections (20), (21), (25), and (28) of section  
 43 1002.33, Florida Statutes, are amended to read:

44 1002.33 Charter schools.—

45 (2) GUIDING PRINCIPLES; PURPOSE.—

46 (c) Charter schools may fulfill the following purposes:

47 1. Create innovative measurement tools.

48 2. Provide rigorous competition within the public school  
 49 system ~~district~~ to stimulate continual improvement in all public  
 50 schools.

51 3. Expand the capacity of the public school system.

52 4. Mitigate the educational impact created by the  
 53 development of new residential dwelling units.

54 5. Create new professional opportunities for teachers,  
 55 including ownership of the learning program at the school site.

56 (5) SPONSOR; DUTIES.—

57 (a) *Sponsoring entities*.—

58 1. A district school board may sponsor a charter school in

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59 the county over which the district school board has  
60 jurisdiction.

61 2. A state university may grant a charter to a lab school  
62 created under s. 1002.32 and shall be considered to be the  
63 school's sponsor. Such school shall be considered a charter lab  
64 school.

65 3. Because needs relating to educational capacity,  
66 workforce qualifications, and career education opportunities are  
67 constantly changing and extend beyond school district  
68 boundaries:

69 a. A state university may sponsor a charter school to meet  
70 regional education or workforce demands by serving students from  
71 multiple counties.

72 b. A Florida College System institution may sponsor a  
73 charter school in any county within its service area to meet  
74 workforce demands and may offer postsecondary programs leading  
75 to industry certifications to eligible students of the charter  
76 school.

77 (b) *Sponsor duties.*—

78 1.a. The sponsor shall monitor and review the charter  
79 school in its progress toward the goals established in the  
80 charter.

81 b. The sponsor shall monitor the revenues and expenditures  
82 of the charter school and perform the duties provided in  
83 s. 1002.345.

84 c. The sponsor may approve a charter for a charter school  
85 before the applicant has identified space, equipment, or  
86 personnel, if the applicant indicates approval is necessary for  
87 it to raise working funds.

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88 d. The sponsor shall not apply its policies to a charter  
89 school unless mutually agreed to by both the sponsor and the  
90 charter school. If the sponsor subsequently amends any agreed-  
91 upon sponsor policy, the version of the policy in effect at the  
92 time of the execution of the charter, or any subsequent  
93 modification thereof, shall remain in effect and the sponsor may  
94 not hold the charter school responsible for any provision of a  
95 newly revised policy until the revised policy is mutually agreed  
96 upon.

97 e. The sponsor shall ensure that the charter is innovative  
98 and consistent with the state education goals established by s.  
99 1000.03(5).

100 f. The sponsor shall ensure that the charter school  
101 participates in the state's education accountability system. If  
102 a charter school falls short of performance measures included in  
103 the approved charter, the sponsor shall report such shortcomings  
104 to the Department of Education.

105 g. The sponsor shall not be liable for civil damages under  
106 state law for personal injury, property damage, or death  
107 resulting from an act or omission of an officer, employee,  
108 agent, or governing body of the charter school.

109 h. The sponsor shall not be liable for civil damages under  
110 state law for any employment actions taken by an officer,  
111 employee, agent, or governing body of the charter school.

112 i. The sponsor's duties to monitor the charter school shall  
113 not constitute the basis for a private cause of action.

114 j. The sponsor shall not impose additional reporting  
115 requirements on a charter school without providing reasonable  
116 and specific justification in writing to the charter school.

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117 k. The sponsor shall submit an annual report to the  
118 Department of Education in a web-based format to be determined  
119 by the department.

120 (I) The report shall include the following information:

121 ~~(A) The number of draft applications received on or before~~  
122 ~~May 1 and each applicant's contact information.~~

123 (A)~~(B)~~ The number of ~~final~~ applications received on or  
124 before February 1 ~~August 1~~ and each applicant's contact  
125 information.

126 (B)~~(C)~~ The date each application was approved, denied, or  
127 withdrawn.

128 (C)~~(D)~~ The date each final contract was executed.

129 (II) Annually, by November 1 ~~Beginning August 31, 2013, and~~  
130 ~~each year thereafter~~, the sponsor shall submit to the department  
131 the information for the applications submitted the previous  
132 year.

133 (III) The department shall compile an annual report, by  
134 sponsor district, and post the report on its website by January  
135 15 ~~November 1~~ of each year.

136 2. Immunity for the sponsor of a charter school under  
137 subparagraph 1. applies only with respect to acts or omissions  
138 not under the sponsor's direct authority as described in this  
139 section.

140 3. This paragraph does not waive a sponsor's district  
141 ~~school board's~~ sovereign immunity.

142 4. A Florida College System institution may work with the  
143 school district or school districts in its designated service  
144 area to develop charter schools that offer secondary education.  
145 These charter schools must include an option for students to

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146 receive an associate degree upon high school graduation. If a  
147 Florida College System institution operates an approved teacher  
148 preparation program under s. 1004.04 or s. 1004.85, the  
149 institution may operate no more than one charter school that  
150 serves students in kindergarten through grade 12. In  
151 kindergarten through grade 8, the charter school shall implement  
152 innovative blended learning instructional models in which, for a  
153 given course, a student learns in part through online delivery  
154 of content and instruction with some element of student control  
155 over time, place, path, or pace and in part at a supervised  
156 brick-and-mortar location away from home. A student in a blended  
157 learning course must be a full-time student of the charter  
158 school and receive the online instruction in a classroom setting  
159 at the charter school. District school boards shall cooperate  
160 with and assist the Florida College System institution on the  
161 charter application. Florida College System institution  
162 applications for charter schools are not subject to the time  
163 deadlines outlined in subsection (6) and may be approved by the  
164 district school board at any time during the year. Florida  
165 College System institutions may not report FTE for any students  
166 who receive FTE funding through the Florida Education Finance  
167 Program.

168       5. A school district may enter into nonexclusive interlocal  
169 agreements with federal and state agencies, counties,  
170 municipalities, and other governmental entities that operate  
171 within the geographical borders of the school district to act on  
172 behalf of such governmental entities in the inspection,  
173 issuance, and other necessary activities for all necessary  
174 permits, licenses, and other permissions that a charter school

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175 needs in order for development, construction, or operation. A  
176 charter school may use, but may not be required to use, a school  
177 district for these services. The interlocal agreement must  
178 include, but need not be limited to, the identification of fees  
179 that charter schools will be charged for such services. The fees  
180 must consist of the governmental entity's fees plus a fee for  
181 the school district to recover no more than actual costs for  
182 providing such services. These services and fees are not  
183 included within the services to be provided pursuant to  
184 subsection (20).

185 (c) Sponsor accountability.-

186 1. The department, in collaboration with charter school  
187 sponsors and charter school operators, shall develop a sponsor  
188 evaluation framework that addresses, at a minimum:

189 a. The sponsor's strategic vision for charter school  
190 authorization and its progress toward realizing that vision.

191 b. The alignment of the sponsor's policies and practices to  
192 authorization best practices.

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

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

197 2. The department shall compile the evaluation results by  
198 district and shall include the results in the report required  
199 under sub-sub-subparagraph (b)1.k.(III).

200 (6) APPLICATION PROCESS AND REVIEW.—Charter school  
201 applications are subject to the following requirements:

202 (b) A sponsor shall receive and review all applications for  
203 a charter school using the evaluation instrument developed by

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204 the Department of Education. ~~A sponsor shall receive and~~  
205 ~~consider charter school applications received on or before~~  
206 ~~August 1 of each calendar year for charter schools to be opened~~  
207 ~~at the beginning of the school district's next school year, or~~  
208 ~~to be opened at a time agreed to by the applicant and the~~  
209 ~~sponsor. A sponsor may not refuse to receive a charter school~~  
210 ~~application submitted before August 1 and may receive an~~  
211 ~~application submitted later than August 1 if it chooses.~~  
212 ~~Beginning in 2018 and thereafter,~~ A sponsor shall receive and  
213 consider charter school applications received on or before  
214 February 1 of each calendar year for charter schools to be  
215 opened 18 months later at the beginning of the ~~school district's~~  
216 school year, or to be opened at a time determined by the  
217 applicant. A sponsor may not refuse to receive a charter school  
218 application submitted before February 1 and may receive an  
219 application submitted later than February 1 if it chooses. A  
220 sponsor may not charge an applicant for a charter any fee for  
221 the processing or consideration of an application, and a sponsor  
222 may not base its consideration or approval of a final  
223 application upon the promise of future payment of any kind.  
224 Before approving or denying any application, the sponsor shall  
225 allow the applicant, upon receipt of written notification, at  
226 least 7 calendar days to make technical or nonsubstantive  
227 corrections and clarifications, including, but not limited to,  
228 corrections of grammatical, typographical, and like errors or  
229 missing signatures, if such errors are identified by the sponsor  
230 as cause to deny the final application.

231 1. In order to facilitate an accurate budget projection  
232 process, a sponsor shall be held harmless for FTE students who



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233 are not included in the FTE projection due to approval of  
234 charter school applications after the FTE projection deadline.  
235 In a further effort to facilitate an accurate budget projection,  
236 within 15 calendar days after receipt of a charter school  
237 application, a sponsor shall report to the Department of  
238 Education the name of the applicant entity, the proposed charter  
239 school location, and its projected FTE.

240 2. In order to ensure fiscal responsibility, an application  
241 for a charter school shall include a full accounting of expected  
242 assets, a projection of expected sources and amounts of income,  
243 including income derived from projected student enrollments and  
244 from community support, and an expense projection that includes  
245 full accounting of the costs of operation, including start-up  
246 costs.

247 3.a. A sponsor shall by a majority vote approve or deny an  
248 application no later than 90 calendar days after the application  
249 is received, unless the sponsor and the applicant mutually agree  
250 in writing to temporarily postpone the vote to a specific date,  
251 at which time the sponsor shall by a majority vote approve or  
252 deny the application. If the sponsor fails to act on the  
253 application, an applicant may appeal to the State Board of  
254 Education as provided in paragraph (c). If an application is  
255 denied, the sponsor shall, within 10 calendar days after such  
256 denial, articulate in writing the specific reasons, based upon  
257 good cause, supporting its denial of the application and shall  
258 provide the letter of denial and supporting documentation to the  
259 applicant and to the Department of Education.

260 b. An application submitted by a high-performing charter  
261 school identified pursuant to s. 1002.331 or a high-performing

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262 charter school system identified pursuant to s. 1002.332 may be  
263 denied by the sponsor only if the sponsor demonstrates by clear  
264 and convincing evidence that:

265 (I) The application of a high-performing charter school  
266 does not materially comply with the requirements in paragraph  
267 (a) or, for a high-performing charter school system, the  
268 application does not materially comply with s. 1002.332(2)(b);

269 (II) The charter school proposed in the application does  
270 not materially comply with the requirements in paragraphs  
271 (9)(a)-(f);

272 (III) The proposed charter school's educational program  
273 does not substantially replicate that of the applicant or one of  
274 the applicant's high-performing charter schools;

275 (IV) The applicant has made a material misrepresentation or  
276 false statement or concealed an essential or material fact  
277 during the application process; or

278 (V) The proposed charter school's educational program and  
279 financial management practices do not materially comply with the  
280 requirements of this section.

281  
282 Material noncompliance is a failure to follow requirements or a  
283 violation of prohibitions applicable to charter school  
284 applications, which failure is quantitatively or qualitatively  
285 significant either individually or when aggregated with other  
286 noncompliance. An applicant is considered to be replicating a  
287 high-performing charter school if the proposed school is  
288 substantially similar to at least one of the applicant's high-  
289 performing charter schools and the organization or individuals  
290 involved in the establishment and operation of the proposed

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291 school are significantly involved in the operation of replicated  
292 schools.

293 c. If the sponsor denies an application submitted by a  
294 high-performing charter school or a high-performing charter  
295 school system, the sponsor must, within 10 calendar days after  
296 such denial, state in writing the specific reasons, based upon  
297 the criteria in sub-subparagraph b., supporting its denial of  
298 the application and must provide the letter of denial and  
299 supporting documentation to the applicant and to the Department  
300 of Education. The applicant may appeal the sponsor's denial of  
301 the application in accordance with paragraph (c).

302 4. For budget projection purposes, the sponsor shall report  
303 to the Department of Education the approval or denial of an  
304 application within 10 calendar days after such approval or  
305 denial. In the event of approval, the report to the Department  
306 of Education shall include the final projected FTE for the  
307 approved charter school.

308 ~~5. Upon approval of an application, the initial startup~~  
309 ~~shall commence with the beginning of the public school calendar~~  
310 ~~for the district in which the charter is granted.~~ A charter  
311 school may defer the opening of the school's operations for up  
312 to 3 years to provide time for adequate facility planning. The  
313 charter school must provide written notice of such intent to the  
314 sponsor and the parents of enrolled students at least 30  
315 calendar days before the first day of school.

316 (7) CHARTER.—The terms and conditions for the operation of  
317 a charter school shall be set forth by the sponsor and the  
318 applicant in a written contractual agreement, called a charter.  
319 The sponsor and the governing board of the charter school shall

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320 use the standard charter contract pursuant to subsection (21),  
321 which shall incorporate the approved application and any addenda  
322 approved with the application. Any term or condition of a  
323 proposed charter contract that differs from the standard charter  
324 contract adopted by rule of the State Board of Education shall  
325 be presumed a limitation on charter school flexibility. The  
326 sponsor may not impose unreasonable rules or regulations that  
327 violate the intent of giving charter schools greater flexibility  
328 to meet educational goals. The charter shall be signed by the  
329 governing board of the charter school and the sponsor, following  
330 a public hearing to ensure community input.

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

333 1. The school's mission, the students to be served, and the  
334 ages and grades to be included.

335 2. The focus of the curriculum, the instructional methods  
336 to be used, any distinctive instructional techniques to be  
337 employed, and identification and acquisition of appropriate  
338 technologies needed to improve educational and administrative  
339 performance which include a means for promoting safe, ethical,  
340 and appropriate uses of technology which comply with legal and  
341 professional standards.

342 a. The charter shall ensure that reading is a primary focus  
343 of the curriculum and that resources are provided to identify  
344 and provide specialized instruction for students who are reading  
345 below grade level. The curriculum and instructional strategies  
346 for reading must be consistent with the Next Generation Sunshine  
347 State Standards and grounded in scientifically based reading  
348 research.

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349           b. In order to provide students with access to diverse  
350 instructional delivery models, to facilitate the integration of  
351 technology within traditional classroom instruction, and to  
352 provide students with the skills they need to compete in the  
353 21st century economy, the Legislature encourages instructional  
354 methods for blended learning courses consisting of both  
355 traditional classroom and online instructional techniques.  
356 Charter schools may implement blended learning courses which  
357 combine traditional classroom instruction and virtual  
358 instruction. Students in a blended learning course must be full-  
359 time students of the charter school pursuant to s.  
360 1011.61(1)(a)1. Instructional personnel certified pursuant to s.  
361 1012.55 who provide virtual instruction for blended learning  
362 courses may be employees of the charter school or may be under  
363 contract to provide instructional services to charter school  
364 students. At a minimum, such instructional personnel must hold  
365 an active state or school district adjunct certification under  
366 s. 1012.57 for the subject area of the blended learning course.  
367 The funding and performance accountability requirements for  
368 blended learning courses are the same as those for traditional  
369 courses.

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

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

376           b. How these baseline rates will be compared to rates of  
377 academic progress achieved by these same students while

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378 attending the charter school.

379 c. To the extent possible, how these rates of progress will  
380 be evaluated and compared with rates of progress of other  
381 closely comparable student populations.

382

383 The district school board is required to provide academic  
384 student performance data to charter schools for each of their  
385 students coming from the district school system, as well as  
386 rates of academic progress of comparable student populations in  
387 the district school system.

388 4. The methods used to identify the educational strengths  
389 and needs of students and how well educational goals and  
390 performance standards are met by students attending the charter  
391 school. The methods shall provide a means for the charter school  
392 to ensure accountability to its constituents by analyzing  
393 student performance data and by evaluating the effectiveness and  
394 efficiency of its major educational programs. Students in  
395 charter schools shall, at a minimum, participate in the  
396 statewide assessment program created under s. 1008.22.

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

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

402 7. The admissions procedures and dismissal procedures,  
403 including the school's code of student conduct. Admission or  
404 dismissal must not be based on a student's academic performance.

405 8. The ways by which the school will achieve a  
406 racial/ethnic balance reflective of the community it serves or

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407 within the racial/ethnic range of other nearby public schools ~~in~~  
408 ~~the same school district.~~

409 9. The financial and administrative management of the  
410 school, including a reasonable demonstration of the professional  
411 experience or competence of those individuals or organizations  
412 applying to operate the charter school or those hired or  
413 retained to perform such professional services and the  
414 description of clearly delineated responsibilities and the  
415 policies and practices needed to effectively manage the charter  
416 school. A description of internal audit procedures and  
417 establishment of controls to ensure that financial resources are  
418 properly managed must be included. Both public sector and  
419 private sector professional experience shall be equally valid in  
420 such a consideration.

421 10. The asset and liability projections required in the  
422 application which are incorporated into the charter and shall be  
423 compared with information provided in the annual report of the  
424 charter school.

425 11. A description of procedures that identify various risks  
426 and provide for a comprehensive approach to reduce the impact of  
427 losses; plans to ensure the safety and security of students and  
428 staff; plans to identify, minimize, and protect others from  
429 violent or disruptive student behavior; and the manner in which  
430 the school will be insured, including whether or not the school  
431 will be required to have liability insurance, and, if so, the  
432 terms and conditions thereof and the amounts of coverage.

433 12. The term of the charter, which must ~~shall~~ provide for  
434 cancellation of the charter if insufficient progress has been  
435 made in attaining the student achievement objectives of the

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436 charter and if it is not likely that such objectives can be  
437 achieved before expiration of the charter. The initial term of a  
438 charter shall be for 5 years, excluding 2 planning years. In  
439 order to facilitate access to long-term financial resources for  
440 charter school construction, charter schools that are operated  
441 by a municipality or other public entity as provided by law are  
442 eligible for up to a 15-year charter, subject to approval by the  
443 sponsor ~~district school board~~. A charter lab school is eligible  
444 for a charter for a term of up to 15 years. In addition, to  
445 facilitate access to long-term financial resources for charter  
446 school construction, charter schools that are operated by a  
447 private, not-for-profit, s. 501(c)(3) status corporation are  
448 eligible for up to a 15-year charter, subject to approval by the  
449 sponsor ~~district school board~~. Such long-term charters remain  
450 subject to annual review and may be terminated during the term  
451 of the charter, but only as provided ~~according to the provisions~~  
452 ~~set forth~~ in subsection (8).

453 13. The facilities to be used and their location. The  
454 sponsor may not require a charter school to have a certificate  
455 of occupancy or a temporary certificate of occupancy for such a  
456 facility earlier than 15 calendar days before the first day of  
457 school.

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

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

464 16. A timetable for implementing the charter which



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465 addresses the implementation of each element thereof and the  
466 date by which the charter shall be awarded in order to meet this  
467 timetable.

468 17. In the case of an existing public school that is being  
469 converted to charter status, alternative arrangements for  
470 current students who choose not to attend the charter school and  
471 for current teachers who choose not to teach in the charter  
472 school after conversion in accordance with the existing  
473 collective bargaining agreement or district school board rule in  
474 the absence of a collective bargaining agreement. However,  
475 alternative arrangements shall not be required for current  
476 teachers who choose not to teach in a charter lab school, except  
477 as authorized by the employment policies of the state university  
478 which grants the charter to the lab school.

479 18. Full disclosure of the identity of all relatives  
480 employed by the charter school who are related to the charter  
481 school owner, president, chairperson of the governing board of  
482 directors, superintendent, governing board member, principal,  
483 assistant principal, or any other person employed by the charter  
484 school who has equivalent decisionmaking authority. For the  
485 purpose of this subparagraph, the term "relative" means father,  
486 mother, son, daughter, brother, sister, uncle, aunt, first  
487 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
488 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
489 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
490 stepsister, half brother, or half sister.

491 19. Implementation of the activities authorized under s.  
492 1002.331 by the charter school when it satisfies the eligibility  
493 requirements for a high-performing charter school. A high-

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494 performing charter school shall notify its sponsor in writing by  
495 March 1 if it intends to increase enrollment or expand grade  
496 levels the following school year. The written notice shall  
497 specify the amount of the enrollment increase and the grade  
498 levels that will be added, as applicable.

499 (d) A charter may be modified during its initial term or  
500 any renewal term upon the recommendation of the sponsor or the  
501 charter school's governing board and the approval of both  
502 parties to the agreement. Modification during any term may  
503 include, but is not limited to, consolidation of multiple  
504 charters into a single charter if the charters are operated  
505 under the same governing board, regardless of the renewal cycle.  
506 A charter school that is not subject to a school improvement  
507 plan and that closes as part of a consolidation shall be  
508 reported by the sponsor ~~school district~~ as a consolidation.

509 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

510 (d) When a charter is not renewed or is terminated, the  
511 school shall be dissolved under the provisions of law under  
512 which the school was organized, and any unencumbered public  
513 funds, except for capital outlay funds and federal charter  
514 school program grant funds, from the charter school shall revert  
515 to the sponsor. Capital outlay funds provided pursuant to s.  
516 1013.62 and federal charter school program grant funds that are  
517 unencumbered shall revert to the department to be redistributed  
518 among eligible charter schools. In the event a charter school is  
519 dissolved or is otherwise terminated, all ~~district school board~~  
520 property and improvements, furnishings, and equipment purchased  
521 with public funds shall automatically revert to full ownership  
522 by the sponsor ~~district school board~~, subject to complete

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523 satisfaction of any lawful liens or encumbrances. Any  
524 unencumbered public funds from the charter school, ~~district~~  
525 ~~school board~~ property and improvements, furnishings, and  
526 equipment purchased with public funds, or financial or other  
527 records pertaining to the charter school, in the possession of  
528 any person, entity, or holding company, other than the charter  
529 school, shall be held in trust upon the sponsor's ~~district~~  
530 ~~school board's~~ request, until any appeal status is resolved.

531 (e) If a charter is not renewed or is terminated, the  
532 charter school is responsible for all debts of the charter  
533 school. The sponsor ~~district~~ may not assume the debt from any  
534 contract made between the governing body of the school and a  
535 third party, except for a debt that is previously detailed and  
536 agreed upon in writing by both the sponsor ~~district~~ and the  
537 governing body of the school and that may not reasonably be  
538 assumed to have been satisfied by the sponsor ~~district~~.

539 (14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION  
540 OF THE STATE AND SPONSOR ~~SCHOOL-DISTRICT~~; CREDIT OR TAXING POWER  
541 NOT TO BE PLEDGED.—Any arrangement entered into to borrow or  
542 otherwise secure funds for a charter school authorized in this  
543 section from a source other than the state or a sponsor must  
544 ~~school district shall~~ indemnify the state and the sponsor ~~school~~  
545 ~~district~~ from any and all liability, including, but not limited  
546 to, financial responsibility for the payment of the principal or  
547 interest. Any loans, bonds, or other financial agreements are  
548 not obligations of the state or the sponsor ~~school district~~ but  
549 are obligations of the charter school authority and are payable  
550 solely from the sources of funds pledged by such agreement. The  
551 credit or taxing power of the state or the sponsor ~~school~~

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552 ~~district~~ shall not be pledged and no debts shall be payable out  
553 of any moneys except those of the legal entity in possession of  
554 a valid charter approved by a sponsor ~~district school board~~  
555 pursuant to this section.

556 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-  
557 A-MUNICIPALITY.—

558 (c) A charter school-in-a-municipality designation may be  
559 granted to a municipality that possesses a charter; enrolls  
560 students based upon a random lottery that involves all of the  
561 children of the residents of that municipality who are seeking  
562 enrollment, as provided for in subsection (10); and enrolls  
563 students according to the racial/ethnic balance provisions  
564 described in subparagraph (7)(a)8. When a municipality has  
565 submitted charter applications for the establishment of a  
566 charter school feeder pattern, consisting of elementary, middle,  
567 and senior high schools, and each individual charter application  
568 is approved by the sponsor ~~district school board~~, such schools  
569 shall then be designated as one charter school for all purposes  
570 listed pursuant to this section. Any portion of the land and  
571 facility used for a public charter school shall be exempt from  
572 ad valorem taxes, as provided for in s. 1013.54, for the  
573 duration of its use as a public school.

574 (17) FUNDING.—Students enrolled in a charter school,  
575 regardless of the sponsorship, shall be funded as if they are in  
576 a basic program or a special program, the same as students  
577 enrolled in other public schools in the school district. Funding  
578 for a charter lab school shall be as provided in s. 1002.32.

579 (a) Each charter school shall report its student enrollment  
580 to the sponsor as required in s. 1011.62, and in accordance with

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581 the definitions in s. 1011.61. The sponsor shall include each  
582 charter school's enrollment in the sponsor's ~~district's~~ report  
583 of student enrollment. All charter schools submitting student  
584 record information required by the Department of Education shall  
585 comply with the Department of Education's guidelines for  
586 electronic data formats for such data, and all sponsors  
587 ~~districts~~ shall accept electronic data that complies with the  
588 Department of Education's electronic format.

589 (e) Sponsors ~~District school boards~~ shall make timely and  
590 efficient payment and reimbursement to charter schools,  
591 including processing paperwork required to access special state  
592 and federal funding for which they may be eligible. Payments of  
593 funds under paragraph (b) shall be made monthly or twice a  
594 month, beginning with the start of the sponsor's ~~district school~~  
595 ~~board's~~ fiscal year. Each payment shall be one-twelfth, or one  
596 twenty-fourth, as applicable, of the total state and local funds  
597 described in paragraph (b) and adjusted as set forth therein.  
598 For the first 2 years of a charter school's operation, if a  
599 minimum of 75 percent of the projected enrollment is entered  
600 into the sponsor's student information system by the first day  
601 of the current month, the sponsor must ~~district school board~~  
602 ~~shall~~ distribute funds to the school for the months of July  
603 through October based on the projected full-time equivalent  
604 student membership of the charter school as submitted in the  
605 approved application. If less than 75 percent of the projected  
606 enrollment is entered into the sponsor's student information  
607 system by the first day of the current month, the sponsor must  
608 ~~shall~~ base payments on the actual number of student enrollment  
609 entered into the sponsor's student information system.

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610 Thereafter, the results of full-time equivalent student  
611 membership surveys shall be used in adjusting the amount of  
612 funds distributed monthly to the charter school for the  
613 remainder of the fiscal year. The payments shall be issued no  
614 later than 10 working days after the sponsor ~~district school~~  
615 ~~board~~ receives a distribution of state or federal funds or the  
616 date the payment is due pursuant to this subsection. If a  
617 warrant for payment is not issued within 10 working days after  
618 receipt of funding by the sponsor ~~district school board~~, the  
619 sponsor ~~school district~~ shall pay to the charter school, in  
620 addition to the amount of the scheduled disbursement, interest  
621 at a rate of 1 percent per month calculated on a daily basis on  
622 the unpaid balance from the expiration of the 10 working days  
623 until such time as the warrant is issued. The district school  
624 board may not delay payment to a charter school of any portion  
625 of the funds provided in paragraph (b) based on the timing of  
626 receipt of local funds by the district school board.

627 (18) FACILITIES.—

628 (e) If a district school board facility or property is  
629 available because it is surplus, marked for disposal, or  
630 otherwise unused, it shall be provided for a charter school's  
631 use on the same basis as it is made available to other public  
632 schools in the district. A charter school receiving property  
633 from the sponsor ~~school district~~ may not sell or dispose of such  
634 property without written permission of the school sponsor  
635 ~~district~~. Similarly, for an existing public school converting to  
636 charter status, no rental or leasing fee for the existing  
637 facility or for the property normally inventoried to the  
638 conversion school may be charged by the district school board to

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639 the parents and teachers organizing the charter school. The  
640 charter school shall agree to reasonable maintenance provisions  
641 in order to maintain the facility in a manner similar to  
642 district school board standards. The Public Education Capital  
643 Outlay maintenance funds or any other maintenance funds  
644 generated by the facility operated as a conversion school shall  
645 remain with the conversion school.

646 (20) SERVICES.—

647 (a)1. A sponsor shall provide certain administrative and  
648 educational services to charter schools. These services shall  
649 include contract management services; full-time equivalent and  
650 data reporting services; exceptional student education  
651 administration services; services related to eligibility and  
652 reporting duties required to ensure that school lunch services  
653 under the National School Lunch Program, consistent with the  
654 needs of the charter school, are provided by the sponsor ~~school~~  
655 ~~district~~ at the request of the charter school, that any funds  
656 due to the charter school under the National School Lunch  
657 Program be paid to the charter school as soon as the charter  
658 school begins serving food under the National School Lunch  
659 Program, and that the charter school is paid at the same time  
660 and in the same manner under the National School Lunch Program  
661 as other public schools serviced by the sponsor or the school  
662 district; test administration services, including payment of the  
663 costs of state-required or district-required student  
664 assessments; processing of teacher certificate data services;  
665 and information services, including equal access to the  
666 sponsor's student information systems that are used by public  
667 schools in the district in which the charter school is located

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668 or by schools in the sponsor's portfolio of charter schools if  
669 the sponsor is not a school district. Student performance data  
670 for each student in a charter school, including, but not limited  
671 to, FCAT scores, standardized test scores, previous public  
672 school student report cards, and student performance measures,  
673 shall be provided by the sponsor to a charter school in the same  
674 manner provided to other public schools in the district.

675 2. A sponsor may withhold an administrative fee for the  
676 provision of such services, l which shall be a percentage of the  
677 available funds defined in paragraph (17) (b) l calculated based  
678 on weighted full-time equivalent students. If the charter school  
679 serves 75 percent or more exceptional education students as  
680 defined in s. 1003.01(3), the percentage shall be calculated  
681 based on unweighted full-time equivalent students. The  
682 administrative fee shall be calculated as follows:

683 a. Up to 5 percent for:

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

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

688 (A) Includes conversion charter schools and nonconversion  
689 charter schools.

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

691 (C) Has a total enrollment exceeding the total enrollment  
692 of at least one school district in the state.

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

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

696 (III) Enrollment of up to and including 250 students in a



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697 virtual charter school.

698 b. Up to 2 percent for enrollment of up to and including  
699 250 students in a high-performing charter school as defined in  
700 s. 1002.331.

701 3. A sponsor may not charge charter schools any additional  
702 fees or surcharges for administrative and educational services  
703 in addition to the maximum percentage of administrative fees  
704 withheld pursuant to this paragraph.

705 4. A sponsor shall provide to the department by September  
706 15 of each year the total amount of funding withheld from  
707 charter schools pursuant to this subsection for the prior fiscal  
708 year. The department must include the information in the report  
709 required under sub-sub-subparagraph (5)(b)1.k.(III).

710 (b) If goods and services are made available to the charter  
711 school through the contract with the sponsor ~~school district~~,  
712 they shall be provided to the charter school at a rate no  
713 greater than the sponsor's ~~district's~~ actual cost unless  
714 mutually agreed upon by the charter school and the sponsor in a  
715 contract negotiated separately from the charter. When mediation  
716 has failed to resolve disputes over contracted services or  
717 contractual matters not included in the charter, an appeal may  
718 be made to an administrative law judge appointed by the Division  
719 of Administrative Hearings. The administrative law judge has  
720 final order authority to rule on the dispute. The administrative  
721 law judge shall award the prevailing party reasonable attorney  
722 fees and costs incurred during the mediation process,  
723 administrative proceeding, and any appeals, to be paid by the  
724 party whom the administrative law judge rules against. To  
725 maximize the use of state funds, sponsors ~~school districts~~ shall

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726 allow charter schools to participate in the sponsor's bulk  
727 purchasing program if applicable.

728 (c) Transportation of charter school students shall be  
729 provided by the charter school consistent with the requirements  
730 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
731 body of the charter school may provide transportation through an  
732 agreement or contract with the sponsor ~~district school board~~, a  
733 private provider, or parents. The charter school and the sponsor  
734 shall cooperate in making arrangements that ensure that  
735 transportation is not a barrier to equal access for all students  
736 residing within a reasonable distance of the charter school as  
737 determined in its charter.

738 (d) Each charter school shall annually complete and submit  
739 a survey, provided in a format specified by the Department of  
740 Education, to rate the timeliness and quality of services  
741 provided by the sponsor ~~district~~ in accordance with this  
742 section. The department shall compile the results, by sponsor  
743 ~~district~~, and include the results in the report required under  
744 sub-sub-subparagraph (5) (b) 1.k. (III).

745 (21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

746 (a) The Department of Education shall provide information  
747 to the public, directly and through sponsors, on how to form and  
748 operate a charter school and how to enroll in a charter school  
749 once it is created. This information shall include the standard  
750 application form, standard charter contract, standard evaluation  
751 instrument, and standard charter renewal contract, which shall  
752 include the information specified in subsection (7) and shall be  
753 developed by consulting and negotiating with both sponsors  
754 ~~school districts~~ and charter schools before implementation. The

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755 charter and charter renewal contracts shall be used by charter  
756 school sponsors.

757 (b)1. The Department of Education shall report to each  
758 charter school receiving a school grade pursuant to s. 1008.34  
759 or a school improvement rating pursuant to s. 1008.341 the  
760 school's student assessment data.

761 2. The charter school shall report the information in  
762 subparagraph 1. to each parent of a student at the charter  
763 school, the parent of a child on a waiting list for the charter  
764 school, the sponsor ~~district in which the charter school is~~  
765 ~~located~~, and the governing board of the charter school. This  
766 paragraph does not abrogate the provisions of s. 1002.22,  
767 relating to student records, or the requirements of 20 U.S.C. s.  
768 1232g, the Family Educational Rights and Privacy Act.

769 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
770 SCHOOL SYSTEMS.—

771 (a) A charter school system's governing board shall be  
772 designated a local educational agency for the purpose of  
773 receiving federal funds, the same as though the charter school  
774 system were a school district, if the governing board of the  
775 charter school system has adopted and filed a resolution with  
776 its sponsor ~~sponsoring district school board~~ and the Department  
777 of Education in which the governing board of the charter school  
778 system accepts the full responsibility for all local education  
779 agency requirements and the charter school system meets all of  
780 the following:

- 781 1. Has all schools located in the same county;
- 782 2. Has a total enrollment exceeding the total enrollment of
- 783 at least one school district in the state; and

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784 3. Has the same governing board.

785 (b) A charter school system's governing board may be  
786 designated a local educational agency for the purpose of  
787 receiving federal funds for all schools within a school district  
788 that are established pursuant to s. 1008.33 and are under the  
789 jurisdiction of the governing board. The governing board must  
790 adopt and file a resolution with its sponsoring district school  
791 board and the Department of Education and accept full  
792 responsibility for all local educational agency requirements.

793  
794 Such designation does not apply to other provisions unless  
795 specifically provided in law.

796 (28) RULEMAKING.—The Department of Education, after  
797 consultation with sponsors ~~school districts~~ and charter school  
798 directors, shall recommend that the State Board of Education  
799 adopt rules to implement specific subsections of this section.  
800 Such rules shall require minimum paperwork and may ~~shall~~ not  
801 limit charter school flexibility authorized by statute. The  
802 State Board of Education shall adopt rules, pursuant to ss.  
803 120.536(1) and 120.54, to implement a standard charter  
804 application form, standard application form for the replication  
805 of charter schools in a high-performing charter school system,  
806 standard evaluation instrument, and standard charter and charter  
807 renewal contracts in accordance with this section.

808 Section 2. This act shall take effect July 1, 2019.