

By Senator Cruz

18-00543A-19

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1                   A bill to be entitled  
2       An act relating to charter schools; amending s.  
3       1002.33, F.S.; prohibiting charter schools from  
4       operating as, or being operated by, a for-profit  
5       corporation, a for-profit educational management  
6       organization, or a for-profit charter management  
7       organization; defining the terms "for-profit  
8       educational management organization," "for-profit  
9       charter management organization," and "operate as, or  
10      be operated by"; prohibiting a charter school from  
11      entering into a subcontract to avoid certain  
12      requirements; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16       Section 1. Subsection (1) of section 1002.33, Florida  
17 Statutes, is amended to read:

18       1002.33 Charter schools.—

19       (1) AUTHORIZATION.—

20       (a) All charter schools in Florida are public schools and  
21 shall be part of the state's program of public education. A  
22 charter school may be formed by creating a new school or  
23 converting an existing public school to charter status. A  
24 charter school may operate a virtual charter school pursuant to  
25 s. 1002.45(1)(d) to provide full-time online instruction to  
26 students, pursuant to s. 1002.455, in kindergarten through grade  
27 12. The school district in which the student enrolls in the  
28 virtual charter school shall report the student for funding  
29 pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school

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30 district may ~~shall~~ not report the student for funding. An  
31 existing charter school that is seeking to become a virtual  
32 charter school must amend its charter or submit a new  
33 application pursuant to subsection (6) to become a virtual  
34 charter school. A virtual charter school is subject to the  
35 requirements of this section; however, a virtual charter school  
36 is exempt from subsections (18) and (19), paragraph (20)(c), and  
37 s. 1003.03. A public school may not use the term charter in its  
38 name unless it has been approved under this section.

39 (b) A charter school may not operate as, or be operated by,  
40 a for-profit corporation, a for-profit educational management  
41 organization, or a for-profit charter management organization.  
42 For purposes of this section, the terms "for-profit educational  
43 management organization" and "for-profit charter management  
44 organization" refer to such entities that manage or operate a  
45 charter school.

46 1. As used in this subsection, the term "operate as, or be  
47 operated by" refers to the provision of services by a for-profit  
48 corporation, a for-profit educational management organization,  
49 or a for-profit charter management organization to a charter  
50 school, including any of the following:

51 a. The nomination, appointment, or removal of board members  
52 or officers of the charter school.

53 b. The employment, supervision, or dismissal of employees  
54 or contractors of the charter school, including certificated and  
55 noncertificated school personnel.

56 c. Management of the charter school's day-to-day operations  
57 in the capacity of an administrative manager.

58 d. The approval, denial, or management of the budget or any

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59 expenditures of the charter school which are not authorized by  
60 the governing body of the charter school.

61 e. Services provided to the charter school before the  
62 governing body of the charter school has approved the contract  
63 for such services at a publicly noticed meeting.

64 f. The development of the school's curriculum.

65 g. The provision of funding or financing.

66 h. Services related to construction or renovation.

67 i. The lease, sale, or purchase of real estate.

68 2. A charter school may not enter into a subcontract to  
69 avoid the prohibition imposed by this paragraph.

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