By Senator Hutson

A bill to be entitled
An act relating to education; creating s. 1002.24, F.S.; providing legislative findings and intent; requiring the Department of Education to collect certain information about career preparation and placement in this state; requiring the department to annually distribute such information to school guidance counselors at each public high school in this state; requiring such career preparation and placement information to be distributed to students by a certain date each year; authorizing the department to enter into a memorandum of understanding to share the career preparation and placement information with other state agencies; amending s. 1002.33, F.S.; authorizing state universities designated by the State Board of Education to sponsor a charter school; authorizing a Florida College System institution designated by the state board to sponsor a charter school under certain circumstances; authorizing a state university or Florida College System institution to deny an application for a charter school; revising requirements for the report made by sponsors to the Department of Education; eliminating a requirement that a charter school working with a Florida College System institution must implement a blended learning instructional model; providing that the board of trustees of a sponsoring state university or Florida College System institution is the local educational agency for purposes of receiving federal funds for
sponsored charter schools; providing that a student
enrolled in a charter school that is sponsored by a
state university or a Florida College System
institution may not be included in the calculation of
a school district’s grade; requiring the department,
in collaboration with charter school sponsors and
charter school operators, to develop a sponsor
evaluation framework that must address certain
requirements; deleting a provision related to
acceptance and consideration of charter school
applications; deleting a provision requiring that
initial startup of a charter school commence within a
specified timeframe; providing that charter schools
operated by a municipality, a public entity, or a
private, not-for-profit organization are eligible for
a 15-year charter if approved by the sponsor;
requiring sponsors to report a charter school that
closes as part of a consolidation; clarifying the
circumstances under which a charter may be terminated
immediately; providing for certain property,
improvements, furnishings, and equipment to revert to
the sponsor upon dissolution of a charter school;
providing that a sponsor may not assume charter school
debt except under certain circumstances; authorizing
charter schools to limit the enrollment process to
target certain additional student populations;
requiring that any arrangement entered into to borrow
or otherwise secure funds for a charter school from
certain sources indemnify the sponsor, rather than the
school district; specifying funding requirements for
students enrolled in a charter school sponsored by a
state university or a Florida College System
institution; requiring a local governing authority to
provide a written justification for any challenged
requirements, restrictions, and site planning
processes, under certain circumstances; requiring
courts to award attorney fees and court costs to a
charter school if they determine that a local
governing authority failed to treat a charter school
equitably; providing that places of worship, rather
than only specifically churches, may provide space to
charter schools in their facilities; prohibiting local
governing authorities from imposing additional
requirements on such facilities; requiring that the
educational occupant load for a charter school within
such facilities be based solely on the criteria set
forth in the Florida Building Code and the Florida
Fire Prevention Code; authorizing a school district to
enter into an agreement to plan, design, and construct
a charter school and to serve as the financial agent,
lienholder, or lessor; requiring a sponsor to provide
access to the sponsor’s student information systems
and student performance data in certain circumstances;
amending s. 1002.333, F.S.; requiring the department
to annually provide to school districts a list of
certain facilities; requiring the department to update
and publish a final list of such facilities owned or
operated by each school district by a certain date;
authorizing allocated funds that are not disbursed by a certain date to be carried forward for up to 7 years after the date of the original appropriation; amending s. 1003.493, F.S.; authorizing charter schools to offer career and professional academies; amending s. 1013.385, F.S.; deleting provisions authorizing certain resolutions to propose the implementation of specified exceptions to certain building code requirements; providing that resolutions may implement exceptions to certain sections of the Florida Building Code that limit the ability of a school district to design and construct a facility in the same manner as a charter school; reenacting ss. 11.40(c)(2), 163.3180(6)(h), 196.1983, 218.39(1)(e), 381.0056(4)(a), 409.1664(1)(b), 409.9072(1), 944.801(7), 951.176(1), 1006.15(3)(d), 1008.33(3)(c), and 1011.61(1)(c), F.S., relating to the Legislative Auditing Committee, concurrency, the charter school exemption from ad valorem taxes, annual financial audit reports, the school health services program, adoption benefits for qualifying adoptive employees of state agencies, Medicaid provider agreements for charter schools and private schools, education for state prisoners, provision of education, student standards for participation in interscholastic and intrascholastic extracurricular student activities, authority to enforce public school improvement, and definitions for the Florida Education Finance Program, respectively, to incorporate the amendment made to s.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective January 1, 2021, section 1002.24, Florida Statutes, is created to read:

1002.24 Career landscape information.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that high school students should be provided the information necessary to make informed decisions about their futures and to ensure that they are aware of the costs of attending a postsecondary institution. The Legislature also finds that high school students should be provided with information regarding alternative career paths.

(2) CAREER LANDSCAPE INFORMATION COLLECTION.—The Department of Education shall collect and compile all of the following information annually:

(a) The jobs in this state for which there is the highest demand for employees, including the starting salary and the required level of education for such jobs.

(b) The average cost of attendance, including in-state tuition, fees, and, if applicable, room and board, for career and technical education programs, Florida College System institutions, and state universities.

(c) The respective average monthly student loan payments of students upon graduation from such programs, institutions, and universities.

(d) The respective average 3-year student loan default
rates for such programs, institutions, and universities.

(e) The respective average graduation rates for such
programs, institutions, and universities.

(f) The completion rates for apprenticeship programs,
educational credential programs, career and technical education
programs, and first-term military enlisted personnel,
respectively.

(g) The percentage of college graduates working in
occupations that do not require a college degree, listed by
major.

(h) The average starting salaries for individuals
graduating from career and technical education programs in this
state, Florida College System institutions, and state
universities, respectively.

(3) INFORMATION DISTRIBUTION.—The information collected by
the Department of Education under subsection (2) must be
distributed to school guidance counselors at each public high
school in this state and made available to students by no later
than October 15 of each year.

(4) DATA SHARING.—The Department of Education may execute a
memorandum of understanding with any state agency, or a
department or division thereof, to gain access to the
information required to be collected under subsection (2).

Section 2. Paragraph (c) of subsection (2), subsection (5),
paragraph (b) of subsection (6), paragraphs (a) and (d) of
subsection (7), paragraphs (c), (d), and (e) of subsection (8),
paragraphs (g) and (n) of subsection (9), paragraph (e) of
subsection (10), subsection (14), paragraph (c) of subsection
(15), paragraphs (a), (b), and (e) of subsection (17),
paragraphs (a), (c), and (e) of subsection (18), subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(2) GUIDING PRINCIPLES; PURPOSE.—

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school system to stimulate continual improvement in all public schools.
3. Expand the capacity of the public school system.
4. Mitigate the educational impact created by the development of new residential dwelling units.
5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(5) SPONSOR; DUTIES.—

(a) Sponsoring entities.—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.
2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school’s sponsor. Such school shall be considered a charter lab school.

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

a. A state university, upon receiving approval from the
State Board of Education, may solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

b. A Florida College System institution, upon receiving approval from the State Board of Education, may solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students. A charter school developed under subparagraph (b)4. is not eligible to be sponsored by a Florida College System institution until its existing charter with the school district expires, as provided in subsection (7).

c. Notwithstanding paragraph (6)(b), a state university or a Florida College System institution may deny an application for a charter school, at which point provisions outlined in subsection (6)(c)1. are not applicable.

(b) Sponsor duties.—

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

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

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

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

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

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

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

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

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

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

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

(I) The report must include the following information:
(A) The number of draft applications received on or before May 1 and each applicant’s contact information.
(B) The number of final applications received on or before February 1 and each applicant’s contact information.
(C) The date each application was approved, denied, or withdrawn.
(D) The date each final contract was executed.

(II) By each November 1 Beginning August 31, 2013, and each year thereafter, the sponsor shall submit to the department the information for the applications submitted the previous year.

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

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

3. This paragraph does not waive a sponsor’s district school board’s sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher
preparation program under s. 1004.04 or s. 1004.85, the institution may operate no more than one charter school that serve students in kindergarten through grade 12 in any school district within county or counties served by the institution as specified in s. 1000.21(3). In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at the charter school. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. A school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school
needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity’s fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20).

6. The board of trustees of a state university or a Florida College System institution that sponsors a charter school as provided in paragraph (a) is the local educational agency for any charter school it sponsors for the purpose of receiving federal funds and shall accept full responsibility for compliance with all requirements imposed by law on local educational agencies and the schools for which it performs local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or a Florida College System institution may not be included in the calculation of the school district’s grade under s. 1008.34(5) for the school district in which the student resides.

(c) Sponsor accountability.—
1. The department, in collaboration with charter school sponsors and charter school operators, shall develop a sponsor evaluation framework that, at a minimum, addresses all of the following:
   a. The sponsor’s strategic vision for charter school authorization and the sponsor’s progress toward that vision.
b. The alignment of the sponsor’s policies and practices with best practices for charter school authorization.

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

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

2. The department shall compile the results of the evaluation conducted under subparagraph 1., by sponsor, and include them in the annual report required under sub-sub-subparagraph (b)1.k.(III).

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

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district’s next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, A sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district’s school year, or to be opened at a time determined by the applicant. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an
application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

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

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

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

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

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

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

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

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

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant’s high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

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

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

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

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

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

1. The school’s mission, the students to be served, and the ages and grades to be included.
2. The focus of the curriculum, the instructional methods
to be used, any distinctive instructional techniques to be
employed, and identification and acquisition of appropriate
technologies needed to improve educational and administrative
performance which include a means for promoting safe, ethical,
and appropriate uses of technology which comply with legal and
professional standards.

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

   b. In order to provide students with access to diverse
instructional delivery models, to facilitate the integration of
technology within traditional classroom instruction, and to
provide students with the skills they need to compete in the
21st century economy, the Legislature encourages instructional
methods for blended learning courses consisting of both
classroom and online instructional techniques. Charter schools may implement blended learning courses which
combine traditional classroom instruction and virtual
instruction. Students in a blended learning course must be full-
time students of the charter school pursuant to s.

1011.61(1)(a)1. Instructional personnel certified pursuant to s.
1012.55 who provide virtual instruction for blended learning
courses may be employees of the charter school or may be under
contract to provide instructional services to charter school
students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:
   a. How the baseline student academic achievement levels and prior rates of academic progress will be established.
   b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.
   c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

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

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

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

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

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

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools in the same school district.

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

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

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

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 5 years, excluding 2 planning years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the sponsor district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the sponsor district school board. Such long-term charters remain subject to annual review and may be terminated during the term
of the charter, but only according to the provisions set forth
in subsection (8).

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

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

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

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

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

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

19. Implementation of the activities authorized under s.
1002.331 by the charter school when it satisfies the eligibility
requirements for a high-performing charter school. A high-
performing charter school shall notify its sponsor in writing by
March 1 if it intends to increase enrollment or expand grade
levels the following school year. The written notice shall
specify the amount of the enrollment increase and the grade
levels that will be added, as applicable.

(d) A charter may be modified during its initial term or
any renewal term upon the recommendation of the sponsor or the
charter school’s governing board and the approval of both
parties to the agreement. Modification during any term may
include, but is not limited to, consolidation of multiple
charters into a single charter if the charters are operated
under the same governing board, regardless of the renewal cycle.
A charter school that is not subject to a school improvement
plan and that closes as part of a consolidation shall be
reported by the sponsor school district as a consolidation.
(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school’s students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The sponsor’s determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter school’s governing board, the charter school principal, and the department of the facts and circumstances supporting the emergency termination if a charter is terminated immediately. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable when appropriate. Upon receiving written notice from the sponsor, the charter school’s governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The sponsor shall assume operation of the charter school throughout the pendency of the hearing under paragraph (b) unless the continued operation of the charter school would materially threaten the health, safety, or welfare of the students. Failure by the sponsor to assume and continue operation of the charter school shall result in the awarding of reasonable costs and attorney’s fees to the charter school if the charter school prevails on appeal.
(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all sponsor district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor’s district school board’s request, until any appeal status is resolved.

(e) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The sponsor district may not assume the debt from any contract made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the sponsor district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor district.
(9) CHARTER SCHOOL REQUIREMENTS.—

(g)1. In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records that constitute their accounting system:

   a. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled “Financial and Program Cost Accounting and Reporting for Florida Schools”; or

   b. At the discretion of the charter school’s governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

2. Charter schools shall provide annual financial report and program cost report information in the state-required formats for inclusion in sponsor district reporting in compliance with s. 1011.60(1). Charter schools that are operated by a municipality or are a component unit of a parent nonprofit organization may use the accounting system of the municipality or the parent but must reformat this information for reporting according to this paragraph.

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental
Accounting Standards Board. A high-performing charter school pursuant to s. 1002.331 may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The sponsor shall review each monthly or quarterly financial statement to identify the existence of any conditions identified in s. 1002.345(1)(a).

4. A charter school shall maintain and provide financial information as required in this paragraph. The financial statement required in subparagraph 3. must be in a form prescribed by the Department of Education.

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of “D” or “F” pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a “C,” the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a
demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a “C.”

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of “F” is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a “C” or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school’s continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a “C” or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a “C” or higher if additional time is provided to implement the
existing corrective action. Notwithstanding this sub-
paragraph, a charter school that earns a second consecutive
grade of “F” while implementing a corrective action is subject
to subparagraph 3.

3. A charter school’s charter contract is automatically
terminated if the school earns two consecutive grades of “F”
after all school grade appeals are final unless:
   a. The charter school is established to turn around the
   performance of a district public school pursuant to s.
   1008.33(4)(b)2. Such charter schools shall be governed by s.
   1008.33;
   b. The charter school serves a student population the
   majority of which resides in a school zone served by a district
   public school subject to s. 1008.33(4) and the charter school
   earns at least a grade of “D” in its third year of operation.
   The exception provided under this sub-subparagraph does not
   apply to a charter school in its fourth year of operation and
   thereafter; or
   c. The state board grants the charter school a waiver of
   termination. The charter school must request the waiver within
   15 days after the department’s official release of school
   grades. The state board may waive termination if the charter
   school demonstrates that the Learning Gains of its students on
   statewide assessments are comparable to or better than the
   Learning Gains of similarly situated students enrolled in nearby
district public schools. The waiver is valid for 1 year and may
only be granted once. Charter schools that have been in
operation for more than 5 years are not eligible for a waiver
under this sub-subparagraph.
The sponsor shall notify the charter school’s governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(10) ELIGIBLE STUDENTS.—

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to
subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school’s mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter provides the school facilities and related property in an amount equal to or having a total appraised value of at least $5 million to be used as a charter school to mitigate the educational impact created by the development of new residential dwelling units. Students living
in the development are shall be entitled to no more than 50 percent of the student stations in the charter school. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor school district shall indemnify the state and the sponsor school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor school district but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power of the state or the sponsor school district shall not be pledged and no debts are shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a sponsor district school board pursuant to this section.

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

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

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

(a) Each charter school shall report its student enrollment to the sponsor as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor shall include each charter school’s enrollment in the sponsor’s district’s report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education’s guidelines for electronic data formats for such data, and all sponsors districts shall accept electronic data that complies with the Department of Education’s electronic format.

(b)1. The basis for the agreement for funding students
enrolled in a charter school shall be the sum of the school
district’s operating funds from the Florida Education Finance
Program as provided in s. 1011.62 and the General Appropriations
Act, including gross state and local funds, discretionary
lottery funds, and funds from the school district’s current
operating discretionary millage levy; divided by total funded
weighted full-time equivalent students in the school district;
and multiplied by the weighted full-time equivalent students for
the charter school. Charter schools whose students or programs
meet the eligibility criteria in law are entitled to their
proportionate share of categorical program funds included in the
total funds available in the Florida Education Finance Program
by the Legislature, including transportation, the research-based
reading allocation, and the Florida digital classrooms
allocation. Total funding for each charter school shall be
recalculated during the year to reflect the revised calculations
under the Florida Education Finance Program by the state and the
actual weighted full-time equivalent students reported by the
charter school during the full-time equivalent student survey
periods designated by the Commissioner of Education. For charter
schools operated by a not-for-profit or municipal entity, any
unrestricted current and capital assets identified in the
charter school’s annual financial audit may be used for other
charter schools operated by the not-for-profit or municipal
entity within the school district. Unrestricted current assets
shall be used in accordance with s. 1011.62, and any
unrestricted capital assets shall be used in accordance with s.
1013.62(2).

2. a. Students enrolled in a charter school sponsored by a
state university or a Florida College System institution pursuant to paragraph (5)(a) must be funded as if they are in a basic program or a special program in the school district. The basis for funding these students is the sum of the total operating funds from the Florida Education Finance Program for the school district in which the school is located as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from each school district’s current operating discretion ary millage levy; divided by the total funded weighted full-time equivalent students in the district; and multiplied by the full-time equivalent membership of the charter school. The Department of Education shall develop a tool that each state university or Florida College System institution that sponsors a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained on the basis of the calculation must be appropriated to the charter school from state funds in the General Appropriations Act.

b. Capital outlay funding for a charter school sponsored by a state university or a Florida College System institution pursuant to paragraph (5)(a) is determined pursuant to s. 1013.62 and the General Appropriations Act.

e. Sponsors District school boards shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special state and federal funding for which they may be eligible. Payments of funds under paragraph (b) shall be made monthly or twice a month, beginning with the start of the sponsor’s district school
board’s fiscal year. Each payment shall be one-twelfth, or one twenty-fourth, as applicable, of the total state and local funds described in paragraph (b) and adjusted as set forth therein. For the first 2 years of a charter school’s operation, if a minimum of 75 percent of the projected enrollment is entered into the sponsor’s student information system by the first day of the current month, the sponsor district school board shall distribute funds to the school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than 75 percent of the projected enrollment is entered into the sponsor’s student information system by the first day of the current month, the sponsor shall base payments on the actual number of student enrollment entered into the sponsor’s student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than 10 working days after the sponsor district school board receives a distribution of state or federal funds or the date the payment is due pursuant to this subsection. If a warrant for payment is not issued within 10 working days after receipt of funding by the sponsor district school board, the sponsor school district shall pay to the charter school, in addition to the amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 10 working days until such time as the warrant is issued. The district school board may not delay payment to a

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charter school of any portion of the funds provided in paragraph (b) based on the timing of receipt of local funds by the district school board.

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools. Within 14 days after receiving a request from a charter school, the local governing authority for that
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school shall provide a written justification for any challenged
requirements, restrictions, and site planning processes. The
agency having jurisdiction for inspection of a facility and
issuance of a certificate of occupancy or use shall be the local
municipality or, if in an unincorporated area, the county
governing authority. If an official or employee of the local
governing authority refuses to comply with this paragraph, the
aggrieved school or entity has an immediate right to bring an
action in circuit court to enforce its rights by injunction. If
the court finds that the local governing authority failed to
treat the charter school equitably, the court shall award
attorney fees and court costs to the charter school. An
aggrieved party that receives injunctive relief may be awarded
attorney fees and court costs.

(c) Any facility, or portion thereof, used to house a
charter school whose charter has been approved by the sponsor
and the governing board, pursuant to subsection (7), is shall be
exempt from ad valorem taxes pursuant to s. 196.1983. Libraries,
community organizations, museums, performing arts organizations,
thraters, cinemas, churches and other places of worship, and
Florida College System institutions Library, community service,
museum, performing arts, theatre, cinema, church, Florida
College System institution, college, and university facilities
may provide space to charter schools within their facilities
under their preexisting zoning and land use designations. Local
governing authorities may not impose any additional
requirements, including, without limitation, without obtaining a
special exception, rezoning, or a land use changes, or other
site-specific or use requirements or processes.
The educational occupant load for the charter school within these facilities shall be based solely on the criteria set forth in the Florida Building Code and the Florida Fire Prevention Code. No other restrictions on the number of students in the facility apply.

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school’s use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor school district may not sell or dispose of such property without written permission of the sponsor school district. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter school shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school. A school district may enter into an agreement to plan, design, and construct a charter school and may serve as one or more of the following with regard to the property and building:

1. The financial agent.
2. The lienholder.
3. The lessor.

(20) SERVICES.—

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor school district at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor’s student information systems that are used by public schools in the district in which the charter school is located or, if the sponsor is not a school district, by schools in the sponsor’s portfolio of charter schools. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same

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manner provided to other public schools in the district or, if the sponsor is not a school district, by schools in the sponsor’s portfolio of charter schools.

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

a. Up to 5 percent for:

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

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

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

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

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

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

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

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

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.
3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph.

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

(b) If goods and services are made available to the charter school through the contract with the sponsor school district, they shall be provided to the charter school at a rate no greater than the sponsor’s district’s actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against. To maximize the use of state funds, sponsors school districts shall allow charter schools to participate in the sponsor’s bulk purchasing program if applicable.

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

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

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

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

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

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

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

1. Has all schools located in the same county;

2. Has a total enrollment exceeding the total enrollment of
at least one school district in the state; and

3. Has the same governing board.

Such designation does not apply to other provisions unless
specifically provided in law.
(28) RULEMAKING.—The Department of Education, after consultation with sponsors school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute. The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, to implement a standard charter application form, standard application form for the replication of charter schools in a high-performing charter school system, standard evaluation instrument, and standard charter and charter renewal contracts in accordance with this section.

Section 3. Paragraph (d) of subsection (7) and paragraph (b) of subsection (10) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

(7) FACILITIES.—

(d) No later than January October 1 of each year, the department each school district shall annually provide to school districts the Department of Education a list of all underused, vacant, or surplus facilities owned or operated by the school district, as reported in the Florida Inventory of School Houses. A school district may provide evidence to the department within 30 days after the list is provided that it contains errors or omissions. No later than April 1 of each year, the department shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district, based upon the updated information provided by each school district. A hope operator establishing a school of hope may use
an educational facility identified in this paragraph at no cost or at a mutually agreeable cost not to exceed $600 per student. A hope operator using a facility pursuant to this paragraph may not sell or dispose of such facility without the written permission of the school district. For purposes of this paragraph, the term “underused, vacant, or surplus facility” means an entire facility or portion thereof which is not fully used or is used irregularly or intermittently by the school district for instructional or program use.

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 4. Paragraph (a) of subsection (1) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.—

(1)(a) A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies must be offered by public schools and school districts and may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as
appropriate. Students completing career and professional academy
programs must receive a standard high school diploma, the
highest available industry certification, and opportunities to
earn postsecondary credit if the academy partners with a
postsecondary institution approved to operate in the state.

Section 5. Section 1013.385, Florida Statutes, is amended
to read:

1013.385 School district construction flexibility.—
(1) Upon a majority vote at a public meeting that begins no
earlier than 5 p.m., a district school board may, with a
majority vote at a public meeting that begins no earlier than 5
p.m., adopt a resolution to implement exceptions to s. 453 of
the Florida Building Code which one or more of the exceptions to
the educational facilities construction requirements provided in
this section.

(2) A resolution adopted under this section may propose
implementation of exceptions to requirements of the uniform
statewide building code for the planning and construction of
public educational and ancillary plants adopted pursuant to ss.
553.73 and 1013.37 relating to:

(a) Interior non-load-bearing walls, by approving the use
of fire-rated wood stud walls in new construction or remodeling
for interior non-load-bearing wall assemblies that will not be
exposed to water or located in wet areas.

(b) Walkways, roadways, driveways, and parking areas, by
approving the use of designated, stabilized, and well-drained
gravel or grassed student parking areas.

(c) Standards for relocatables used as classroom space, as
specified in s. 1013.20, by approving construction
specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite.

(d) Site lighting, by approving construction specifications regarding site lighting that:

1. Do not provide for lighting of gravel or grassed auxiliary or student parking areas.
2. Provide lighting for walkways, roadways, driveways, paved parking lots, exterior stairs, ramps, and walkways from the exterior of the building to a public walkway through installation of a timer that is set to provide lighting only during periods when the site is occupied.
3. Allow lighting for building entrances and exits to be installed with a timer that is set to provide lighting only during periods in which the building is occupied. The minimum illumination level at single-door exits may be reduced to no less than 1 foot-candle.

(e) Any other provisions that limit the ability of a school district to design and construct a facility in the same manner as a charter school, or to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18), so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 6. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 11.40, Florida Statutes, is reenacted to read:

11.40 Legislative Auditing Committee.—
(2) Following notification by the Auditor General, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, the Governor or his or her designee, or the Commissioner of Education or his or her designee of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 1002.33 and 1002.34.

Section 7. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (h) of subsection (6) of section 163.3180, Florida Statutes, is reenacted to read:

163.3180 Concurrency.—

(6)

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by
the local government.

b. The local government’s capital improvements element and the school board’s educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

2. If a local government applies school concurrency, it may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan and the interlocal agreement pursuant to s.
163.31777.
  a. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

  b. If the interlocal agreement and the local government comprehensive plan authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local
ordinance for public educational facilities, on a dollar-for-
dollar basis at fair market value. The credit must be based on
the total impact fee assessed and not on the impact fee for any
particular type of school.

c. Any proportionate-share mitigation must be directed by
the school board toward a school capacity improvement identified
in the 5-year school board educational facilities plan that
satisfies the demands created by the development in accordance
with a binding developer’s agreement.

3. This paragraph does not limit the authority of a local
government to deny a development permit or its functional
equivalent pursuant to its home rule regulatory powers, except
as provided in this part.

Section 8. For the purpose of incorporating the amendment
made by this act to section 1002.33, Florida Statutes, in a
reference thereto, section 196.1983, Florida Statutes, is
reenacted to read:

196.1983 Charter school exemption from ad valorem taxes.—
Any facility, or portion thereof, used to house a charter school
whose charter has been approved by the sponsor and the governing
board pursuant to s. 1002.33(7) shall be exempt from ad valorem
taxes. For leasehold properties, the landlord must certify by
affidavit to the charter school that the required payments under
the lease, whether paid to the landlord or on behalf of the
landlord to a third party, will be reduced to the extent of the
exemption received. The owner of the property shall disclose to
a charter school the full amount of the benefit derived from the
exemption and the method for ensuring that the charter school
receives such benefit. The charter school shall receive the full
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benefit derived from the exemption.

Section 9. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (e) of subsection (1) of section 218.39, Florida Statutes, is reenacted to read:

218.39 Annual financial audit reports.—

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(e) Each charter school established under s. 1002.33.

Section 10. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 381.0056, Florida Statutes, is reenacted to read:

381.0056 School health services program.—

(4)(a) Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan. The plan must include, at a minimum, provisions for all of the following:

1. Health appraisal;
2. Records review;
3. Nurse assessment;
4. Nutrition assessment;
5. A preventive dental program;
6. Vision screening;
7. Hearing screening;
8. Scoliosis screening;
9. Growth and development screening;
10. Health counseling;
11. Referral and followup of suspected or confirmed health problems by the local county health department;
12. Meeting emergency health needs in each school;
13. County health department personnel to assist school personnel in health education curriculum development;
14. Referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;
15. Consultation with a student’s parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;
16. Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 1002.22;
17. Health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs;
18. Notification to the local nonpublic schools of the school health services program and the opportunity for
representatives of the local nonpublic schools to participate in
the development of the cooperative health services plan; and

19. Immediate notification to a student’s parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, including the requirements established under ss. 1002.20(3) and 1002.33(9), as applicable.

Section 11. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 409.1664, Florida Statutes, is reenacted to read:

409.1664 Adoption benefits for qualifying adoptive employees of state agencies.—

(1) As used in this section, the term:

(b) “Qualifying adoptive employee” means a full-time or part-time employee of a state agency, a charter school established under s. 1002.33, or the Florida Virtual School established under s. 1002.37 who is paid from regular salary appropriations, or otherwise meets his or her employer’s definition of a regular rather than temporary employee, and who adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2015. The term includes instructional personnel, as defined in s. 1012.01, who are employed by the Florida School for the Deaf and the Blind.

Section 12. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, subsection (1) of section 409.9072, Florida Statutes, is reenacted to read:
409.9072 Medicaid provider agreements for charter schools and private schools.—

(1) Subject to a specific appropriation by the Legislature, the agency shall reimburse private schools as defined in s. 1002.01 and schools designated as charter schools under s. 1002.33 which are Medicaid providers for school-based services pursuant to the rehabilitative services option provided under 42 U.S.C. s. 1396d(a)(13) to children younger than 21 years of age with specified disabilities who are eligible for both Medicaid and part B or part H of the Individuals with Disabilities Education Act (IDEA) or the exceptional student education program, or who have an individualized educational plan.

Section 13. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, subsection (7) of section 944.801, Florida Statutes, is reenacted to read:

944.801 Education for state prisoners.—

(7) The department may contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide education services in the Correctional Education Program. The education services may include any educational, career, or vocational training that is authorized by the department.

Section 14. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, subsection (1) of section 951.176, Florida Statutes, is reenacted to read:

951.176 Provision of education.—

(1) Each county may contract with a district school board,
the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide education services for inmates at county detention facilities. The education services may include any educational, career, or vocational training that is authorized by the sheriff or chief correctional officer, or his or her designee.

Section 15. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (d) of subsection (3) of section 1006.15, Florida Statutes, is reenacted to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(3)

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could attend in any interscholastic extracurricular activity of that school, unless such activity is provided by the student’s charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she
4. The charter school student must meet the same standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

Section 16. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 1008.33, Florida Statutes, is reenacted to read:

1008.33 Authority to enforce public school improvement.—
(3) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools. The intervention and support strategies must address student performance and may include improvement planning; leadership quality improvement; educator quality improvement; professional development; curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and the use of continuous improvement and monitoring plans and processes. In addition, the state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of “D” or “F” and the roles for the district and department.

Section 17. For the purpose of incorporating the amendment made by this act to section 1002.33, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 1011.61, Florida Statutes, is reenacted to read:

1011.61 Definitions.—Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) A “full-time equivalent student” in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A “full-time equivalent student” is:

a. A full-time student in any one of the programs listed in
s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student in a combination of programs listed in s. 1011.62(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. The difference between that fraction or sum of fractions and the maximum value as set forth in subsection (4) for each full-time student is presumed to be the balance of the student’s time not spent in a special program and shall be recorded as time in the appropriate basic program.

(II) A prekindergarten student with a disability shall meet the requirements specified for kindergarten students.

(III) A full-time equivalent student for students in kindergarten through grade 12 in a full-time virtual instruction program under s. 1002.45 or a virtual charter school under s. 1002.33 shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in programs listed in s. 1011.62(1)(c). Credit completions may be a combination of full-credit courses or half-credit courses.

(IV) A full-time equivalent student for students in kindergarten through grade 12 in a part-time virtual instruction program under s. 1002.45 shall consist of six full-credit completions in programs listed in s. 1011.62(1)(c)1. and 3.
Credit completions may be a combination of full-credit courses or half-credit courses.

(V) A Florida Virtual School full-time equivalent student shall consist of six full-credit completions or the prescribed level of content that counts toward promotion to the next grade in the programs listed in s. 1011.62(1)(c)1. and 3. for students participating in kindergarten through grade 12 part-time virtual instruction and the programs listed in s. 1011.62(1)(c) for students participating in kindergarten through grade 12 full-time virtual instruction. Credit completions may be a combination of full-credit courses or half-credit courses.

(VI) Each successfully completed full-credit course earned through an online course delivered by a district other than the one in which the student resides shall be calculated as 1/6 FTE.

(VII) A full-time equivalent student for courses requiring passage of a statewide, standardized end-of-course assessment under s. 1003.4282 to earn a standard high school diploma shall be defined and reported based on the number of instructional hours as provided in this subsection.

(VIII) For students enrolled in a school district as a full-time student, the district may report 1/6 FTE for each student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

2. A student in membership in a program scheduled for more or less than 180 school days or the equivalent on an hourly basis as specified by rules of the State Board of Education is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.;
however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to students enrolled in:

a. Juvenile justice education programs.

b. The Florida Virtual School.

c. Virtual instruction programs and virtual charter schools for the purpose of course completion and credit recovery pursuant to ss. 1002.45 and 1003.498. Course completion applies only to a student who is reported during the second or third membership surveys and who does not complete a virtual education course by the end of the regular school year. The course must be completed no later than the deadline for amending the final student enrollment survey for that year. Credit recovery applies only to a student who has unsuccessfully completed a traditional or virtual education course during the regular school year and must retake the course in order to be eligible to graduate with the student’s class.

The full-time equivalent student enrollment calculated under this subsection is subject to the requirements in subsection (4).

The department shall determine and implement an equitable method of equivalent funding for schools operating under emergency conditions, which schools have been approved by the department to operate for less than the minimum term as provided in s. 1011.60(2).

Section 18. This act shall take effect July 1, 2020.