



26 | input to the commission within a specified timeframe;  
27 | requiring the commission to consider such input;  
28 | authorizing the appeal of commission decisions;  
29 | requiring the State Board of Education to adopt rules;  
30 | amending s. 1002.33, F.S.; providing legislative  
31 | intent; authorizing the commission to solicit and  
32 | review certain charter school applications; requiring  
33 | the district school board that oversees the school  
34 | district in which a charter school approved by the  
35 | commission will be located to serve as the charter  
36 | school's sponsor; prohibiting sponsors from imposing  
37 | additional reporting requirements unless a charter  
38 | school meets specified criteria; providing that  
39 | certain interlocal agreements and ordinances are void  
40 | and unenforceable; authorizing charter schools to use  
41 | school district interlocal agreements; revising the  
42 | terms and conditions for charter renewal and  
43 | modification; revising the procedure and causes for  
44 | nonrenewal or termination of a charter; authorizing  
45 | members of certain committees of a charter school  
46 | governing board to attend specified meetings in person  
47 | or through the use of communications media technology;  
48 | authorizing charter schools to use certain interlocal  
49 | agreements; prohibiting a charter school from being  
50 | subject to certain land use regulations if such

51 regulations would not be required for certain public  
52 schools; providing that specified facilities may  
53 provide space to charter schools under existing zoning  
54 and land use designations without obtaining a special  
55 exception, rezoning, or a land use change; requiring a  
56 specified proportionate share of certain educational  
57 impact fees to be designated for the construction of  
58 certain charter school facilities; providing credits  
59 toward certain impact fees or exactions for certain  
60 entities; providing that a sponsor may not charge or  
61 withhold administrative fees for certain allocations;  
62 creating s. 1004.88, F.S.; establishing the Florida  
63 Institute for Charter Schools Innovation at Miami Dade  
64 College; providing the purpose of the institute;  
65 specifying the duties of the institute; authorizing  
66 the institute to apply for and receive certain grants;  
67 requiring the District Board of Trustees of Miami Dade  
68 College to establish policies regarding the institute;  
69 requiring the Office of Program Policy Analysis and  
70 Government Accountability to conduct an analysis of  
71 charter school capital outlay funds and certain  
72 federal funds and submit a report to the Governor and  
73 Legislature by a specified date; providing an  
74 effective date.  
75

76 Be It Enacted by the Legislature of the State of Florida:

77  
78 Section 1. Section 1002.3301, Florida Statutes, is created  
79 to read:

80 1002.3301 Charter School Review Commission.—Subject to an  
81 appropriation, the Charter School Review Commission is created  
82 within the Department of Education to review and approve  
83 applications for charter schools overseen by district school  
84 boards.

85 (1) The commission shall consist of seven members who have  
86 charter school experience, selected by the Commissioner of  
87 Education and subject to confirmation by the Senate. The  
88 commissioner shall designate one member as the chair. Each  
89 member shall be appointed to a 4-year term. However, for the  
90 purpose of achieving staggered terms, of the initial  
91 appointments, three members shall be appointed to 2-year terms  
92 and four members shall be appointed to 4-year terms. All  
93 subsequent appointments shall be for 4-year terms. A majority of  
94 the members of the commission constitutes a quorum.

95 (2) The commission has the same powers and duties as  
96 sponsors pursuant to s. 1002.33 in regard to reviewing and  
97 approving charter schools.

98 (3) The Department of Education shall contract with a  
99 college or university to provide administrative and technical  
100 assistance to the commission by reviewing and providing an

101 analysis of charter school applications submitted to the  
 102 commission.

103 (4) The district school board of the school district in  
 104 which the proposed charter school will be located shall be the  
 105 sponsor of and supervisor for the new charter school and shall  
 106 provide an initial proposed charter contract to the charter  
 107 school pursuant to s. 1002.33(7) (b) within 30 calendar days  
 108 after the commission's decision granting an application.

109 (5) Within 3 calendar days after an applicant submits an  
 110 application for a charter school to the commission, the  
 111 applicant must also provide a copy of the application to the  
 112 school district in which the proposed charter school will be  
 113 located. Within 30 calendar days after receiving a copy of the  
 114 application, the school district may provide input to the  
 115 commission on a form prescribed by the department. The  
 116 commission must consider such input in reviewing the  
 117 application.

118 (6) The decisions of the commission may be appealed in  
 119 accordance with s. 1002.33(6) (c).

120 (7) The State Board of Education shall adopt rules to  
 121 implement this section.

122 Section 2. Subsection (2), paragraphs (a) and (b) of  
 123 subsection (5), paragraphs (c) and (d) of subsection (7),  
 124 paragraph (a) of subsection (8), paragraph (p) of subsection  
 125 (9), paragraphs (a), (c), and (f) of subsection (18), and

126 paragraph (a) of subsection (20) of section 1002.33, Florida  
 127 Statutes, are amended to read:

128 1002.33 Charter schools.—

129 (2) GUIDING PRINCIPLES; PURPOSE; LEGISLATIVE INTENT.—

130 (a) Charter schools in Florida shall be guided by the  
 131 following principles:

132 1. Meet high standards of student achievement while  
 133 providing parents flexibility to choose among diverse  
 134 educational opportunities within this ~~the~~ state's public school  
 135 system.

136 2. Promote enhanced academic success and financial  
 137 efficiency by aligning responsibility with accountability.

138 3. Provide parents with sufficient information on whether  
 139 their child is reading at grade level and whether the child  
 140 gains at least a year's worth of learning for every year spent  
 141 in the charter school.

142 (b) Charter schools shall fulfill the following purposes:

143 1. Improve student learning and academic achievement.

144 2. Increase learning opportunities for all students, with  
 145 special emphasis on low-performing students and reading.

146 3. Encourage the use of innovative learning methods.

147 4. Require the measurement of learning outcomes.

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

149 1. Create innovative measurement tools.

150 2. Provide rigorous competition within the public school

151 system to stimulate continual improvement in all public schools.

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

153 4. Mitigate the educational impact created by the  
154 development of new residential dwelling units.

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

157 (d) It is the intent of the Legislature that charter  
158 school students be considered as important as all other students  
159 in this state and, to that end, comparable funding levels from  
160 existing and future sources should be maintained for charter  
161 school students.

162 (5) SPONSOR; DUTIES.—

163 (a) *Sponsoring entities.*—

164 1. A district school board may sponsor a charter school in  
165 the county over which the district school board has  
166 jurisdiction.

167 2. A state university may grant a charter to a lab school  
168 created under s. 1002.32 and shall be considered to be the  
169 school's sponsor. Such school shall be considered a charter lab  
170 school.

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

175 a. A state university may, upon approval by the Department

176 of Education, solicit applications and sponsor a charter school  
177 to meet regional education or workforce demands by serving  
178 students from multiple school districts.

179       b. A Florida College System institution may, upon approval  
180 by the Department of Education, solicit applications and sponsor  
181 a charter school in any county within its service area to meet  
182 workforce demands and may offer postsecondary programs leading  
183 to industry certifications to eligible charter school students.  
184 A charter school established under subparagraph (b)4. may not be  
185 sponsored by a Florida College System institution until its  
186 existing charter with the school district expires as provided  
187 under subsection (7).

188       c. Notwithstanding paragraph (6)(b), a state university or  
189 Florida College System institution may, at its discretion, deny  
190 an application for a charter school.

191       d. The Charter School Review Commission, as authorized  
192 under s. 1002.3301, may solicit and review applications for  
193 charter schools overseen by district school boards and, upon the  
194 commission approving an application, the district school board  
195 that oversees the school district in which the charter school  
196 will be located shall serve as sponsor.

197       (b) *Sponsor duties.*—

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

201           b. The sponsor shall monitor the revenues and expenditures  
202 of the charter school and perform the duties provided in s.  
203 1002.345.

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

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

217           e. The sponsor shall ensure that the charter is innovative  
218 and consistent with the state education goals established by s.  
219 1000.03(5).

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

225           g. The sponsor is ~~shall~~ not be liable for civil damages

226 under state law for personal injury, property damage, or death  
227 resulting from an act or omission of an officer, employee,  
228 agent, or governing body of the charter school.

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

232 i. The sponsor's duties to monitor the charter school do  
233 ~~shall~~ not constitute the basis for a private cause of action.

234 j. The sponsor may ~~shall~~ not impose additional reporting  
235 requirements on a charter school as long as the charter school  
236 has not been identified as having a deteriorating financial  
237 condition or financial emergency pursuant to s. 1002.345 without  
238 ~~providing reasonable and specific justification in writing to~~  
239 ~~the charter school.~~

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

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

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

247 (B) The date each application was approved, denied, or  
248 withdrawn.

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

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

251 the department the information for the applications submitted  
252 the previous year.

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

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

260 3. This paragraph does not waive a sponsor's sovereign  
261 immunity.

262 4. A Florida College System institution may work with the  
263 school district or school districts in its designated service  
264 area to develop charter schools that offer secondary education.  
265 These charter schools must include an option for students to  
266 receive an associate degree upon high school graduation. If a  
267 Florida College System institution operates an approved teacher  
268 preparation program under s. 1004.04 or s. 1004.85, the  
269 institution may operate charter schools that serve students in  
270 kindergarten through grade 12 in any school district within the  
271 service area of the institution. District school boards shall  
272 cooperate with and assist the Florida College System institution  
273 on the charter application. Florida College System institution  
274 applications for charter schools are not subject to the time  
275 deadlines outlined in subsection (6) and may be approved by the

276 district school board at any time during the year. Florida  
 277 College System institutions may not report FTE for any students  
 278 participating under this subparagraph who receive FTE funding  
 279 through the Florida Education Finance Program.

280         5. For purposes of assisting the development of a charter  
 281 school, a school district may enter into nonexclusive interlocal  
 282 agreements with federal and state agencies, counties,  
 283 municipalities, and other governmental entities that operate  
 284 within the geographical borders of the school district to act on  
 285 behalf of such governmental entities in the inspection,  
 286 issuance, and other necessary activities for all necessary  
 287 permits, licenses, and other permissions that a charter school  
 288 needs in order for development, construction, or operation. A  
 289 charter school may use, but may not be required to use, a school  
 290 district for these services. The interlocal agreement must  
 291 include, but need not be limited to, the identification of fees  
 292 that charter schools will be charged for such services. The fees  
 293 must consist of the governmental entity's fees plus a fee for  
 294 the school district to recover no more than actual costs for  
 295 providing such services. These services and fees are not  
 296 included within the services to be provided pursuant to  
 297 subsection (20). Notwithstanding any other provision of law, an  
 298 interlocal agreement or ordinance that imposes a greater  
 299 regulatory burden on charter schools than school districts or  
 300 that ~~between a school district and a federal or state agency,~~

301 ~~county, municipality, or other governmental entity which~~  
302 ~~prohibits or limits the creation of a charter school within the~~  
303 ~~geographic borders of the school district~~ is void and  
304 unenforceable. An interlocal agreement entered into by a school  
305 district for the development of only its own schools, including  
306 provisions relating to the extension of infrastructure, may be  
307 used by charter schools.

308         6. The board of trustees of a sponsoring state university  
309 or Florida College System institution under paragraph (a) is the  
310 local educational agency for all charter schools it sponsors for  
311 purposes of receiving federal funds and accepts full  
312 responsibility for all local educational agency requirements and  
313 the schools for which it will perform local educational agency  
314 responsibilities. A student enrolled in a charter school that is  
315 sponsored by a state university or Florida College System  
316 institution may not be included in the calculation of the school  
317 district's grade under s. 1008.34(5) for the school district in  
318 which he or she resides.

319         (7) CHARTER.—The terms and conditions for the operation of  
320 a charter school shall be set forth by the sponsor and the  
321 applicant in a written contractual agreement, called a charter.  
322 The sponsor and the governing board of the charter school shall  
323 use the standard charter contract pursuant to subsection (21),  
324 which shall incorporate the approved application and any addenda  
325 approved with the application. Any term or condition of a

326 proposed charter contract that differs from the standard charter  
327 contract adopted by rule of the State Board of Education shall  
328 be presumed a limitation on charter school flexibility. The  
329 sponsor may not impose unreasonable rules or regulations that  
330 violate the intent of giving charter schools greater flexibility  
331 to meet educational goals. The charter shall be signed by the  
332 governing board of the charter school and the sponsor, following  
333 a public hearing to ensure community input.

334 (c)1. A charter may be renewed provided that a program  
335 review demonstrates that the criteria in paragraph (a) have been  
336 successfully accomplished and that none of the grounds for  
337 nonrenewal established by paragraph (8)(a) have ~~has~~ been  
338 expressly found. The charter of a charter school that meets  
339 these requirements and has received a school grade lower than a  
340 "B" pursuant to s. 1008.34 in the most recently graded school  
341 year must be renewed for no less than a 5-year term except as  
342 provided in paragraph (9)(n) documented. In order to facilitate  
343 long-term financing for charter school construction, charter  
344 schools operating for a minimum of 3 years and demonstrating  
345 exemplary academic programming and fiscal management are  
346 eligible for a 15-year charter renewal. Such long-term charter  
347 is subject to annual review and may be terminated during the  
348 term of the charter.

349 2. The 15-year charter renewal that may be granted  
350 pursuant to subparagraph 1. must ~~shall~~ be granted to a charter

351 school that has received a school grade of "A" or "B" pursuant  
352 to s. 1008.34 in the most recently graded school year ~~3 of the~~  
353 ~~past 4 years~~ and that is not in a state of financial emergency  
354 or deficit position as defined by this section. Such long-term  
355 charter is subject to annual review and may be terminated during  
356 the term of the charter pursuant to subsection (8).

357 (d) A charter may be modified during its initial term or  
358 any renewal term upon the recommendation of the sponsor or the  
359 charter school's governing board and the approval of both  
360 parties to the agreement. Changes to curriculum which are  
361 consistent with state standards shall be deemed approved unless  
362 the sponsor and the Department of Education determine in writing  
363 that the curriculum is inconsistent with state standards.  
364 Modification during any term may include, but is not limited to,  
365 consolidation of multiple charters into a single charter if the  
366 charters are operated under the same governing board, regardless  
367 of the renewal cycle. A charter school-in-a-municipality may  
368 assign its charter, at the end of the school year, to a charter  
369 school operator that meets the requirements of paragraph (12)(i)  
370 and operates high-performing charter schools within the same  
371 school district. A charter school that is not subject to a  
372 school improvement plan and that closes as part of a  
373 consolidation shall be reported by the sponsor as a  
374 consolidation.

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

376 (a) The sponsor shall make student academic achievement  
 377 for all students the most important factor when determining  
 378 whether to renew or terminate the charter. The sponsor may ~~also~~  
 379 choose not to renew or may terminate the charter only if the  
 380 sponsor expressly finds that one of the grounds set forth below  
 381 exists by clear and convincing evidence:

382 1. Failure to participate in the state's education  
 383 accountability system created in s. 1008.31, as required in this  
 384 section, or failure to meet the requirements for student  
 385 performance stated in the charter.

386 2. Failure to meet generally accepted standards of fiscal  
 387 management due to deteriorating financial conditions or  
 388 financial emergencies determined pursuant to s. 1002.345.

389 3. Material violation of law.

390 ~~4. Other good cause shown.~~

391 (9) CHARTER SCHOOL REQUIREMENTS.—

392 (p)1. Each charter school shall maintain a website that  
 393 enables the public to obtain information regarding the school;  
 394 the school's academic performance; the names of the governing  
 395 board members; the programs at the school; any management  
 396 companies, service providers, or education management  
 397 corporations associated with the school; the school's annual  
 398 budget and its annual independent fiscal audit; the school's  
 399 grade pursuant to s. 1008.34; and, on a quarterly basis, the  
 400 minutes of governing board meetings.

401           2. Each charter school's governing board must appoint a  
402 representative to facilitate parental involvement, provide  
403 access to information, assist parents and others with questions  
404 and concerns, and resolve disputes. The representative must  
405 reside in the school district in which the charter school is  
406 located and may be a governing board member, a charter school  
407 employee, or an individual contracted to represent the governing  
408 board. If the governing board oversees multiple charter schools  
409 in the same school district, the governing board must appoint a  
410 separate representative for each charter school in the district.  
411 The representative's contact information must be provided  
412 annually in writing to parents and posted prominently on the  
413 charter school's website. The sponsor may not require governing  
414 board members to reside in the school district in which the  
415 charter school is located if the charter school complies with  
416 this subparagraph.

417           3. Each charter school's governing board must hold at  
418 least two public meetings per school year in the school district  
419 where the charter school is located. The meetings must be  
420 noticed, open, and accessible to the public, and attendees must  
421 be provided an opportunity to receive information and provide  
422 input regarding the charter school's operations. The appointed  
423 representative and charter school principal or director, or his  
424 or her designee, must be physically present at each meeting.  
425 Members of the governing board or any member of a committee

426 formed or designated by the governing board may attend in person  
427 or by means of communications media technology used in  
428 accordance with rules adopted by the Administration Commission  
429 under s. 120.54 (5).

430 (18) FACILITIES.—

431 (a) A startup charter school shall utilize facilities  
432 which comply with the Florida Building Code pursuant to chapter  
433 553 except for the State Requirements for Educational  
434 Facilities. Conversion charter schools shall utilize facilities  
435 that comply with the State Requirements for Educational  
436 Facilities provided that the school district and the charter  
437 school have entered into a mutual management plan for the  
438 reasonable maintenance of such facilities. The mutual management  
439 plan shall contain a provision by which the district school  
440 board agrees to maintain charter school facilities in the same  
441 manner as its other public schools within the district. Charter  
442 schools, with the exception of conversion charter schools, are  
443 not required to comply, but may choose to comply, with the State  
444 Requirements for Educational Facilities of the Florida Building  
445 Code adopted pursuant to s. 1013.37. The local governing  
446 authority shall not adopt or impose any local building  
447 requirements or site-development restrictions, such as parking  
448 and site-size criteria, student enrollment, and occupant load,  
449 that are addressed by and more stringent than those found in the  
450 State Requirements for Educational Facilities of the Florida

451 Building Code. A local governing authority must treat charter  
452 schools equitably in comparison to similar requirements,  
453 restrictions, and site planning processes imposed upon public  
454 schools that are not charter schools, including such provisions  
455 that are established by interlocal agreement. An interlocal  
456 agreement entered into by a school district for the development  
457 of only its own schools, including provisions relating to the  
458 extension of infrastructure, may be used by charter schools. A  
459 charter school may not be subject to any land use regulation  
460 requiring a change to a local government comprehensive plan or  
461 requiring a development order or development permit, as those  
462 terms are defined in s. 163.3164, that would not be required for  
463 a public school in the same location. The agency having  
464 jurisdiction for inspection of a facility and issuance of a  
465 certificate of occupancy or use shall be the local municipality  
466 or, if in an unincorporated area, the county governing  
467 authority. If an official or employee of the local governing  
468 authority refuses to comply with this paragraph, the aggrieved  
469 school or entity has an immediate right to bring an action in  
470 circuit court to enforce its rights by injunction. An aggrieved  
471 party that receives injunctive relief may be awarded attorney  
472 fees and court costs.

473 (c) Any facility, or portion thereof, used to house a  
474 charter school whose charter has been approved by the sponsor  
475 and the governing board, pursuant to subsection (7), is ~~shall be~~

476 exempt from ad valorem taxes pursuant to s. 196.1983. Any  
477 library, community service, museum, performing arts, theatre,  
478 cinema, or church facility; any facility or land owned by a  
479 Florida College System institution or, college, and university;  
480 any similar public institutional facilities; and any facility  
481 recently used to house a school or child care facility licensed  
482 under s. 402.305 may provide space to charter schools within  
483 their facilities under their preexisting zoning and land use  
484 designations without obtaining a special exception, rezoning, or  
485 a land use change.

486 (f) To the extent that charter school facilities are  
487 specifically created to mitigate the educational impact created  
488 by the development of new residential dwelling units, pursuant  
489 to subparagraph (2)(c)4., a proportionate share of costs per  
490 student station ~~some of or all of the~~ educational impact fees  
491 required to be paid in connection with the new residential  
492 dwelling units must ~~may~~ be designated ~~instead~~ for the  
493 construction of the charter school facilities that will mitigate  
494 the student station impact, including charter school facilities  
495 described in subparagraph (10)(e)7. Such facilities shall be  
496 built to the State Requirements for Educational Facilities and  
497 shall be owned by a public or nonprofit entity. The local school  
498 district retains the right to monitor and inspect such  
499 facilities to ensure compliance with the State Requirements for  
500 Educational Facilities. If a facility ceases to be used for

501 public educational purposes, either the facility shall revert to  
502 the school district subject to any debt owed on the facility, or  
503 the owner of the facility shall have the option to refund all  
504 educational impact fees utilized for the facility to the school  
505 district. The district and the owner of the facility may  
506 contractually agree to another arrangement for the facilities if  
507 the facilities cease to be used for educational purposes. The  
508 owner of property planned or approved for new residential  
509 dwelling units and the entity levying educational impact fees  
510 shall enter into an agreement that designates the educational  
511 impact fees that will be allocated for the charter school  
512 student stations and that ensures the timely construction of the  
513 charter school student stations concurrent with the expected  
514 occupancy of the residential units. The application for use of  
515 educational impact fees shall include an approved charter school  
516 application. To assist the school district in forecasting  
517 student station needs, the entity levying the impact fees shall  
518 notify the affected district of any agreements it has approved  
519 for the purpose of mitigating student station impact from the  
520 new residential dwelling units. Any entity contributing toward  
521 the construction of such facilities shall receive a credit  
522 toward any impact fees or exactions imposed for public  
523 educational facilities to the extent that the entity has not  
524 received a credit for such contribution pursuant to s.  
525 163.3180(6)(h)2.

526 (20) SERVICES.—

527 (a)1. A sponsor shall provide certain administrative and  
 528 educational services to charter schools. These services shall  
 529 include contract management services; full-time equivalent and  
 530 data reporting services; exceptional student education  
 531 administration services; services related to eligibility and  
 532 reporting duties required to ensure that school lunch services  
 533 under the National School Lunch Program, consistent with the  
 534 needs of the charter school, are provided by the sponsor at the  
 535 request of the charter school, that any funds due to the charter  
 536 school under the National School Lunch Program be paid to the  
 537 charter school as soon as the charter school begins serving food  
 538 under the National School Lunch Program, and that the charter  
 539 school is paid at the same time and in the same manner under the  
 540 National School Lunch Program as other public schools serviced  
 541 by the sponsor or the school district; test administration  
 542 services, including payment of the costs of state-required or  
 543 district-required student assessments; processing of teacher  
 544 certificate data services; and information services, including  
 545 equal access to the sponsor's student information systems that  
 546 are used by public schools in the district in which the charter  
 547 school is located or by schools in the sponsor's portfolio of  
 548 charter schools if the sponsor is not a school district. Student  
 549 performance data for each student in a charter school,  
 550 including, but not limited to, FCAT scores, standardized test

551 scores, previous public school student report cards, and student  
552 performance measures, shall be provided by the sponsor to a  
553 charter school in the same manner provided to other public  
554 schools in the district or by schools in the sponsor's portfolio  
555 of charter schools if the sponsor is not a school district.

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

564 a. Up to 5 percent for:

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

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

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

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

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

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

575 (E) Does not contract with a for-profit service provider

576 | for management of school operations.

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

579 |       b. Up to 2 percent for enrollment of up to and including  
580 | 250 students in a high-performing charter school as defined in  
581 | s. 1002.331.

582 |       c. Up to 2 percent for enrollment of up to and including  
583 | 250 students in an exceptional student education center that  
584 | meets the requirements of the rules adopted by the State Board  
585 | of Education pursuant to s. 1008.3415(3).

586 |       3. A sponsor may not charge charter schools any additional  
587 | fees or surcharges for administrative and educational services  
588 | in addition to the maximum percentage of administrative fees  
589 | withheld pursuant to this paragraph. A sponsor may not charge or  
590 | withhold any administrative fee against a charter school for any  
591 | funds specifically allocated by the Legislature for teacher  
592 | compensation.

593 |       4. A sponsor shall provide to the department by September  
594 | 15 of each year the total amount of funding withheld from  
595 | charter schools pursuant to this subsection for the prior fiscal  
596 | year. The department must include the information in the report  
597 | required under sub-sub-subparagraph (5)(b)1.k.(III).

598 |       Section 3. Section 1004.88, Florida Statutes, is created  
599 | to read:

600 |       1004.88 Florida Institute for Charter School Innovation.-

601       (1) The Florida Institute for Charter School Innovation is  
602 established at Miami Dade College for the purpose of improving  
603 charter school authorizing practices in this state.

604       (2) The institute shall do all of the following:

605       (a) Create a state resource of best practices for charter  
606 school applications and application review.

607       (b) Provide charter school sponsors with training,  
608 technical assistance, and support in reviewing initial and  
609 renewal charter applications.

610       (c) Conduct applied research on policy and practices  
611 related to charter schools.

612       (d) Conduct or compile basic research on the status of  
613 educational choice, charter authorizing, and charter school  
614 performance in this state, and other topics related to charter  
615 schools.

616       (e) Collaborate with the Department of Education in  
617 developing the sponsor evaluation framework under s.  
618 1002.33(5)(c).

619       (f) Disseminate information regarding research-based  
620 charter school teaching practices to teacher educators in this  
621 state.

622       (g) Host research workshops and conferences that allow  
623 charter school sponsors, charter school operators, students, and  
624 parents to engage in topics related to charter schools.

625       (3) The institute may apply for and receive federal,

626 state, or local agency grants for the purposes of this section.

627 (4) The District Board of Trustees of Miami Dade College  
628 shall establish policies for the supervision, administration,  
629 and governance of the institute.

630 Section 4. (1) The Office of Program Policy Analysis and  
631 Government Accountability shall conduct an analysis of the  
632 current methodologies for the distribution of capital outlay  
633 funds and federal funds through Titles I, II, III, and IV of the  
634 Elementary and Secondary Education Act, as amended, and the  
635 Individuals with Disabilities Education Act, as amended, to  
636 charter schools. Based on its analysis, the office shall  
637 recommend any changes to provide an equitable allocation of  
638 capital outlay funds and specified federal funds to all public  
639 schools.

640 (2) The analysis of capital outlay funds must include, at  
641 a minimum:

642 (a) An analysis of the calculation methodology for the  
643 allocation of state funds appropriated in the General  
644 Appropriations Act under s. 1013.62(2), Florida Statutes.

645 (b) An analysis of the calculation methodology to  
646 determine the amount of revenue that a school district must  
647 distribute to a charter school under s. 1013.62(3), Florida  
648 Statutes.

649 (c) For the most recent 3 years, a comparison of the  
650 charter school capital outlay amounts between the allocation of

651 state funds and revenue that would result from the discretionary  
652 millage authorized under s. 1011.71(2), Florida Statutes.

653 (d) Other state policies and methodologies for the  
654 distribution of charter school capital outlay funds.

655 (3) The office shall submit a report of its findings and  
656 recommendations to the Governor, the President of the Senate,  
657 and the Speaker of the House of Representatives by January 1,  
658 2023.

659 Section 5. This act shall take effect July 1, 2022.