

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; providing requirements for specified
4 deadlines for charter schools; authorizing charter
5 school governing boards to adopt codes of student
6 conduct; providing requirements for such codes;
7 providing requirements for the resolution of
8 complaints or appeals relating to such codes; revising
9 the criteria for a charter school to give enrollment
10 preferences or limit the enrollment process to certain
11 students; requiring charter schools to be in
12 compliance with specified provisions relating to
13 student welfare; revising the factors considered for
14 the determination of a charter school's capacity;
15 revising the facilities and land exempt from specified
16 ad valorem taxes; authorizing a charter school to
17 increase its student enrollment under certain
18 circumstances; providing requirements for such charter
19 school's facilities; providing requirements for
20 notification of increased enrollment; requiring
21 sponsors and the Department of Education to provide
22 specified access and data to a charter school and the
23 school's contractor; prohibiting certain persons from
24 serving as members of a charter school governing
25 board; amending s. 1002.331, F.S.; authorizing high-

performing charter schools to assume the charters of certain charter schools; providing requirements for a request for a high-performing charter school to assume a charter; amending s. 1013.28, F.S.; requiring school districts to take specified actions before the sale, transfer, lease, or disposal of real property; providing that a charter school may exercise right of first refusal for such property; requiring a charter school to submit an offer within a specific timeframe; providing requirements for such offer; providing school district requirements before the finalization of any disposal of real property; prohibiting school districts from such disposal before meeting certain requirements; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (5), paragraphs (d) and (h) of subsection (10), paragraphs (b) and (c) of subsection (16), paragraph (c) of subsection (18), and paragraphs (a) and (d) of subsection (20) of section 1002.33, Florida Statutes, are amended, paragraph (s) is added to subsection (9), paragraph (h) is added to subsection (18), and paragraph (d) is added to subsection (26) of that section, to read:

51 1002.33 Charter schools.—

52 (5) SPONSOR; DUTIES.—

53 (b) Sponsor duties.—

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

57 b. The sponsor shall monitor the revenues and expenditures
58 of the charter school and perform the duties provided in s.
59 1002.345.

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

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

73 e. The sponsor shall ensure that the charter is innovative
74 and consistent with the state education goals established by s.
75 1000.03(5) .

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

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

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

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

90 j. The sponsor may not impose additional reporting
91 requirements on a charter school as long as the charter school
92 has not been identified as having a deteriorating financial
93 condition or financial emergency pursuant to s. 1002.345.

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

101 ~~1.~~ The sponsor shall submit an annual report to the
102 Department of Education in a web-based format to be determined
103 by the department.

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

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

108 (B) The date each application was approved, denied, or
109 withdrawn.

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

111 (II) Annually, by November 1, the sponsor shall submit to
112 the department the information for the applications submitted
113 the previous year.

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

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

121 3. This paragraph does not waive a sponsor's sovereign
122 immunity.

123 4. A Florida College System institution may work with the
124 school district or school districts in its designated service
125 area to develop charter schools that offer secondary education.

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

141 5. For purposes of assisting the development of a charter
142 school, a school district may enter into nonexclusive interlocal
143 agreements with federal and state agencies, counties,
144 municipalities, and other governmental entities that operate
145 within the geographical borders of the school district to act on
146 behalf of such governmental entities in the inspection,
147 issuance, and other necessary activities for all necessary
148 permits, licenses, and other permissions that a charter school
149 needs in order for development, construction, or operation. A
150 charter school may use, but may not be required to use, a school

151 district for these services. The interlocal agreement must
152 include, but need not be limited to, the identification of fees
153 that charter schools will be charged for such services. The fees
154 must consist of the governmental entity's fees plus a fee for
155 the school district to recover no more than actual costs for
156 providing such services. These services and fees are not
157 included within the services to be provided pursuant to
158 subsection (20). Notwithstanding any other provision of law, an
159 interlocal agreement or ordinance that imposes a greater
160 regulatory burden on charter schools than school districts or
161 that prohibits or limits the creation of a charter school is
162 void and unenforceable. An interlocal agreement entered into by
163 a school district for the development of only its own schools,
164 including provisions relating to the extension of
165 infrastructure, may be used by charter schools.

166 6. The board of trustees of a sponsoring state university
167 or Florida College System institution under paragraph (a) is the
168 local educational agency for all charter schools it sponsors for
169 purposes of receiving federal funds and accepts full
170 responsibility for all local educational agency requirements and
171 the schools for which it will perform local educational agency
172 responsibilities. A student enrolled in a charter school that is
173 sponsored by a state university or Florida College System
174 institution may not be included in the calculation of the school
175 district's grade under s. 1008.34(5) for the school district in

176 which he or she resides.

177 (c) Sponsor accountability.—

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

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

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

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

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

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

192 (9) CHARTER SCHOOL REQUIREMENTS.—

193 (s) A charter school governing board may adopt its own
194 code of student conduct. The code of student conduct must meet
195 or exceed the minimum standards set forth in the sponsor's code
196 of student conduct. Any provision of the code of student conduct
197 which is more stringent than the sponsor's code of student
198 conduct must align with the mission of the charter school. The
199 sponsor may review the code and offer recommendations. Any
200 complaint or appeal related to the code of student conduct shall

be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.

(10) ELIGIBLE STUDENTS.—

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

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

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

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

4. Students who are the children of:

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

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

5. Students who have successfully completed, during the previous year, a ~~voluntary~~ prekindergarten education program ~~under ss. 1002.51-1002.79~~ provided by the charter school, the

226 charter school's governing board, or a ~~voluntary~~ prekindergarten
227 provider that has a written agreement with the governing board.

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

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

232 8. Students who are the children of a safe-school officer,
233 as defined in s. 1006.12, at the school.

234 9. Students who transfer from a classical school in this
235 state to a charter classical school in this state. For purposes
236 of this subparagraph, the term "classical school" means a
237 traditional public school or charter school that implements a
238 classical education model that emphasizes the development of
239 students in the principles of moral character and civic virtue
240 through a well-rounded education in the liberal arts and
241 sciences which is based on the classical trivium stages of
242 grammar, logic, and rhetoric.

243 (h) The capacity of the charter school shall be determined
244 annually by the governing board, in conjunction with the
245 sponsor, of the charter school in consideration of the factors
246 identified in this subsection and subsection (18) unless the
247 charter school is designated as a high-performing charter school
248 pursuant to s. 1002.331. A sponsor may not require a charter
249 school to waive the provisions of s. 1002.331 or require a
250 student enrollment cap that prohibits a high-performing charter

251 school from increasing enrollment in accordance with s.
252 1002.331(2) as a condition of approval or renewal of a charter.

253 (16) EXEMPTION FROM STATUTES.—

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

256 1. Section 286.011, relating to public meetings and
257 records, public inspection, and criminal and civil penalties.

258 2. Chapter 119, relating to public records.

259 3. Section 1003.03, relating to the maximum class size,
260 except that the calculation for compliance pursuant to s.
261 1003.03 shall be the average at the school level.

262 4. Section 1012.22(1)(c), relating to compensation and
263 salary schedules.

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

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

267 7. Section 1012.34, relating to the substantive
268 requirements for performance evaluations for instructional
269 personnel and school administrators.

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

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

273 10. Section 1006.07(9), relating to School Environmental
274 Safety Incident Reporting.

275 11. Section 1006.07(10), relating to reporting of

involuntary examinations.

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

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

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

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

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

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

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

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.

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

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

4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be

suspended or dismissed any time during the term of the contract without cause.

(18) FACILITIES.—

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

(h) A charter school that is not implementing a school improvement plan pursuant to paragraph (9)(n) or a corrective action plan pursuant to s. 1002.345 may increase its student enrollment to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion shall include any improvements to an existing facility or any new facility in which the student of the charter school will enroll. A charter

326 school must notify its sponsor in writing by March 1 if the
327 charter school intends to increase enrollment for the following
328 school year. The written notice must specify the amount of the
329 enrollment increase.

330 (20) SERVICES.—

331 (a)1. A sponsor shall provide certain administrative and
332 educational services to charter schools. These services shall
333 include contract management services; full-time equivalent and
334 data reporting services; exceptional student education
335 administration services; services related to eligibility and
336 reporting duties required to ensure that school lunch services
337 under the National School Lunch Program, consistent with the
338 needs of the charter school, are provided by the sponsor at the
339 request of the charter school, that any funds due to the charter
340 school under the National School Lunch Program be paid to the
341 charter school as soon as the charter school begins serving food
342 under the National School Lunch Program, and that the charter
343 school is paid at the same time and in the same manner under the
344 National School Lunch Program as other public schools serviced
345 by the sponsor or the school district; test administration
346 services, including payment of the costs of state-required or
347 district-required student assessments; processing of teacher
348 certificate data services; and information services, including
349 equal access to the sponsor's student information systems that
350 are used by public schools in the district in which the charter

351 school is located or by schools in the sponsor's portfolio of
352 charter schools if the sponsor is not a school district. Access
353 to the sponsor's student information system shall be provided to
354 the charter school and its contractor, unless prohibited by
355 general or federal law. Student performance data for each
356 student in a charter school, including, but not limited to,
357 statewide FCAT scores, standardized test scores, coordinated
358 screening and progress monitoring student results, previous
359 public school student report cards, and student performance
360 measures, shall be provided by the sponsor to a charter school
361 in the same manner provided to other public schools in the
362 district or by schools in the sponsor's portfolio of charter
363 schools if the sponsor is not a school district. The department
364 must provide student performance data to a charter school and
365 its contractor, unless prohibited by general or federal law.

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

368 3. A sponsor may withhold an administrative fee for the
369 provision of such services which shall be a percentage of the
370 available funds defined in paragraph (17)(b) calculated based on
371 weighted full-time equivalent students. If the charter school
372 serves 75 percent or more exceptional education students as
373 defined in s. 1003.01(9), the percentage shall be calculated
374 based on unweighted full-time equivalent students. The
375 administrative fee shall be calculated as follows:

376 a. Up to 5 percent for:

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

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

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

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

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

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

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

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

391 b. Up to 2 percent for enrollment of up to and including
392 250 students in a high-performing charter school as defined in
393 s. 1002.331.

394 c. Up to 2 percent for enrollment of up to and including
395 250 students in an exceptional student education center that
396 meets the requirements of the rules adopted by the State Board
397 of Education pursuant to s. 1008.3415(3).

398 4. A sponsor may not charge charter schools any additional
399 fees or surcharges for administrative and educational services
400 in addition to the maximum percentage of administrative fees

withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

5. 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) 1.1. (III) ~~(5) (b) 1.k. (III)~~.

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

(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 in accordance with this section. The department shall compile the results, by sponsor, and include the results in the report required under sub-sub-subparagraph (5) (b) 1.1. (III) ~~(5) (b) 1.k. (III)~~.

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(d) A landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a

landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established pursuant to paragraph (15)(c).

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

1002.331 High-performing charter schools.—

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

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

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

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

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

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

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

457 (f) Assume the charter of an existing charter school
458 within the same school district in which it operates. Any
459 request to assume a charter must be initiated by a school in a
460 written format to the high-performing charter school.

461
462 A high-performing charter school shall notify its sponsor in
463 writing by March 1 if it intends to increase enrollment or
464 expand grade levels the following school year. The written
465 notice shall specify the amount of the enrollment increase and
466 the grade levels that will be added, as applicable. If a charter
467 school notifies the sponsor of its intent to expand, the sponsor
468 shall modify the charter within 90 days to include the new
469 enrollment maximum and may not make any other changes. The
470 sponsor may deny a request to increase the enrollment of a high-
471 performing charter school if the commissioner has declassified
472 the charter school as high-performing. If a high-performing
473 charter school requests to consolidate multiple charters or to
474 assume an existing charter, the sponsor has ~~shall have~~ 40 days
475 after receipt of that request to provide an initial draft

476 charter to the charter school. The sponsor and charter school
477 shall have 50 days thereafter to negotiate and notice the
478 charter contract for final approval by the sponsor.

479 **Section 3. Paragraph (b) of subsection (1) of section**
480 **1013.28, Florida Statutes, is redesignated as paragraph (c), and**
481 **a new paragraph (b) is added to that subsection, to read:**

482 1013.28 Disposal of property.—

483 (1) REAL PROPERTY.—

484 (b)1. School districts shall prioritize the continued use
485 of real property for public education purposes by providing
486 charter schools with a right of first refusal when the school
487 district seeks to sell, transfer, lease, or dispose of any real
488 property, including school facilities. The right of first
489 refusal period for charter schools shall commence on the date
490 the publicly noticed agenda item is heard at a school board
491 meeting.

492 2. A charter school seeking to exercise the right of first
493 refusal must submit a formal offer to the school district within
494 60 days after the agenda item is heard. The offer must include
495 the proposed terms, intended use, and evidence of the charter
496 school's financial capability. The district school board shall
497 acknowledge receipt of all offers in writing and engage in good-
498 faith negotiations with any charter school that submits an
499 offer.

500 3. The district school board may not finalize any

501 transaction or engage in negotiations with any noncharter school
502 entity for the sale, transfer, lease, or disposal of the real
503 property until the right of first refusal process is completed.

504 4. If no charter school submits a formal offer within the
505 designated timeframe, the district may proceed with disposal of
506 the real property. However, a district may not structure any
507 transaction in a manner to avoid the requirements of this
508 subsection, nor may it execute any transfer of ownership or
509 lease agreement before completing this process.

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