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1 A bill to be entitled
2 An act relating to education; amending s. 1001.4205,
3 F.S.; authorizing members of the Legislature to visit
4 any public school in the legislative district of the
5 member; providing requirements for such visits;
6 creating s. 1002.3301, F.S.; creating the Charter
7 School Review Commission within the Department of
8 Education, subject to appropriation; providing the
9 purpose of the commission; specifying membership of
10 the commission and the duration of members' terms;
11 requiring the State Board of Education to appoint
12 members, subject to confirmation by the Senate;
13 providing that a majority of the commission members
14 constitutes a quorum; providing that the commission
15 has the same powers and duties relating to reviewing
16 and approving charter schools as a sponsor; requiring
17 the department to contract with a college or
18 university to provide administrative and technical
19 assistance to the commission; designating the district
20 school board in which a proposed charter school will
21 be located as the new charter school's sponsor and
22 supervisor; requiring a district school board to take
23 specified actions within a certain timeframe after the
24 commission grants a charter school application;
25 requiring a charter school applicant to provide the
26 school district in which the proposed charter school
27 will be located with a copy of the application within
28 a specified timeframe; authorizing the school district
29 to provide input to the commission within a specified

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30 timeframe; requiring the commission to consider such
31 input; authorizing the appeal of commission decisions;
32 requiring the State Board of Education to adopt rules;
33 amending s. 1002.33, F.S.; providing legislative
34 intent; authorizing the commission to solicit and
35 review certain charter school applications; requiring
36 the district school board that oversees the school
37 district in which a charter school approved by the
38 commission will be located to serve as the charter
39 school's sponsor; prohibiting sponsors from imposing
40 additional reporting requirements unless a charter
41 school meets specified criteria; providing that
42 certain interlocal agreements and ordinances are void
43 and unenforceable; authorizing charter schools to use
44 school district interlocal agreements; revising the
45 terms and conditions for charter renewal; revising the
46 procedure and causes for nonrenewal or termination of
47 a charter; authorizing members of certain committees
48 of a charter school governing board to attend
49 specified meetings in person or through the use of
50 communications media technology; authorizing charter
51 schools to use certain interlocal agreements;
52 prohibiting a charter school from being subject to
53 certain land use regulations if such regulations would
54 not be required for certain public schools; providing
55 that specified facilities may provide space to charter
56 schools under existing zoning and land use
57 designations without obtaining a special exception,
58 rezoning, or a land use change; requiring a specified

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59 proportionate share of certain educational impact fees
60 to be designated for the construction of certain
61 charter school facilities; providing credits toward
62 certain impact fees or exactions for certain entities;
63 providing that a sponsor may not charge or withhold
64 administrative fees for certain allocations; creating
65 s. 1004.88, F.S.; establishing the Florida Institute
66 for Charter Schools Innovation at Miami Dade College,
67 subject to appropriation; providing the purpose of the
68 institute; specifying the duties of the institute;
69 authorizing the institute to apply for and receive
70 certain grants; requiring the District Board of
71 Trustees of Miami Dade College to establish policies
72 regarding the institute; requiring the Office of
73 Program Policy Analysis and Government Accountability
74 to conduct an analysis of charter school capital
75 outlay funds and certain federal funds and submit a
76 report to the Governor and Legislature by a specified
77 date; amending s. 1011.62, F.S.; providing that a
78 district school board must provide a specified amount
79 of funding to charter schools within the district if
80 the teacher salary increase allocation is delayed for
81 specified reasons; providing an effective date.

82
83 Be It Enacted by the Legislature of the State of Florida:

84
85 Section 1. Section 1001.4205, Florida Statutes, is amended
86 to read:

87 1001.4205 Individuals authorized to visit schools

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88 ~~Visitation of schools by an individual school board or charter~~
89 ~~school governing board member.~~—An individual member of a
90 district school board may, on any day and at any time at his or
91 her pleasure, visit any district school in his or her school
92 district. An individual charter school governing board member
93 may, on any day and at any time at his or her pleasure, visit
94 any charter school governed by the charter school's governing
95 board. A member of the Legislature may visit any public school
96 in the legislative district of the member. An individual
97 visiting a school pursuant to this section ~~The board member~~ must
98 sign in and sign out at the school's main office and wear his or
99 her ~~board~~ identification badge at all times while present on
100 school premises. The board, the school, or any other person or
101 entity, including, but not limited to, the principal of the
102 school, the school superintendent, or any other board member,
103 may not require an individual visiting the school pursuant to
104 this section ~~the visiting board member~~ to provide notice before
105 visiting the school. The school may offer, but may not require,
106 an escort to accompany an individual visiting the school
107 pursuant to this section ~~a visiting board member~~ during the
108 visit. Another board member or a district employee, including,
109 but not limited to, the superintendent, the school principal, or
110 his or her designee, may not limit the duration or scope of the
111 visit or direct an individual visiting the school pursuant to
112 this section ~~a visiting board member~~ to leave the premises. A
113 board, district, or school administrative policy or practice may
114 not prohibit or limit the authority granted to an individual ~~a~~
115 ~~board member~~ under this section.

116 Section 2. Section 1002.3301, Florida Statutes, is created

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117 to read:

118 1002.3301 Charter School Review Commission.—Subject to an
119 appropriation, the Charter School Review Commission is created
120 within the Department of Education to review and approve
121 applications for charter schools overseen by district school
122 boards.

123 (1) The commission shall consist of seven members who have
124 charter school experience, selected by the State Board of
125 Education and subject to confirmation by the Senate. The
126 commissioner shall designate one member as the chair. Each
127 member shall be appointed to a 4-year term. However, for the
128 purpose of achieving staggered terms, of the initial
129 appointments, three members shall be appointed to 2-year terms
130 and four members shall be appointed to 4-year terms. All
131 subsequent appointments shall be for 4-year terms. A majority of
132 the members of the commission constitutes a quorum.

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

136 (3) The Department of Education shall contract with a
137 college or university to provide administrative and technical
138 assistance to the commission by reviewing and providing an
139 analysis of charter school applications submitted to the
140 commission.

141 (4) The district school board of the school district in
142 which the proposed charter school will be located shall be the
143 sponsor of and supervisor for the new charter school and shall
144 provide an initial proposed charter contract to the charter
145 school pursuant to s. 1002.33(7)(b) within 30 calendar days

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146 after the commission's decision granting an application.

147 (5) Within 3 calendar days after an applicant submits an
148 application for a charter school to the commission, the
149 applicant must also provide a copy of the application to the
150 school district in which the proposed charter school will be
151 located. Within 30 calendar days after receiving a copy of the
152 application, the school district may provide input to the
153 commission on a form prescribed by the department. The
154 commission must consider such input in reviewing the
155 application.

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

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

160 Section 3. Subsection (2), paragraphs (a) and (b) of
161 subsection (5), paragraph (c) of subsection (7), paragraph (a)
162 of subsection (8), paragraph (p) of subsection (9), paragraphs
163 (a), (c), and (f) of subsection (18), and paragraph (a) of
164 subsection (20) of section 1002.33, Florida Statutes, are
165 amended to read:

166 1002.33 Charter schools.—

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

168 (a) Charter schools in Florida shall be guided by the
169 following principles:

170 1. Meet high standards of student achievement while
171 providing parents flexibility to choose among diverse
172 educational opportunities within this ~~the~~ state's public school
173 system.

174 2. Promote enhanced academic success and financial

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175 efficiency by aligning responsibility with accountability.

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

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

- 181 1. Improve student learning and academic achievement.
- 182 2. Increase learning opportunities for all students, with
183 special emphasis on low-performing students and reading.
- 184 3. Encourage the use of innovative learning methods.
- 185 4. Require the measurement of learning outcomes.

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

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

195 (d) It is the intent of the Legislature that charter school
196 students be considered as important as all other students in
197 this state and, to that end, comparable funding levels from
198 existing and future sources should be maintained for charter
199 school students.

200 (5) SPONSOR; DUTIES.—

201 (a) *Sponsoring entities.*—

- 202 1. A district school board may sponsor a charter school in
203 the county over which the district school board has

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204 jurisdiction.

205 2. A state university may grant a charter to a lab school
206 created under s. 1002.32 and shall be considered to be the
207 school's sponsor. Such school shall be considered a charter lab
208 school.

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

213 a. A state university may, upon approval by the Department
214 of Education, solicit applications and sponsor a charter school
215 to meet regional education or workforce demands by serving
216 students from multiple school districts.

217 b. A Florida College System institution may, upon approval
218 by the Department of Education, solicit applications and sponsor
219 a charter school in any county within its service area to meet
220 workforce demands and may offer postsecondary programs leading
221 to industry certifications to eligible charter school students.
222 A charter school established under subparagraph (b)4. may not be
223 sponsored by a Florida College System institution until its
224 existing charter with the school district expires as provided
225 under subsection (7).

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

229 d. The Charter School Review Commission, as authorized
230 under s. 1002.3301, may solicit and review applications for
231 charter schools overseen by district school boards and, upon the
232 commission approving an application, the district school board

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233 that oversees the school district in which the charter school
234 will be located shall serve as sponsor.

235 (b) *Sponsor duties.*—

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

239 b. The sponsor shall monitor the revenues and expenditures
240 of the charter school and perform the duties provided in s.
241 1002.345.

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

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

255 e. The sponsor shall ensure that the charter is innovative
256 and consistent with the state education goals established by s.
257 1000.03(5).

258 f. The sponsor shall ensure that the charter school
259 participates in the state's education accountability system. If
260 a charter school falls short of performance measures included in
261 the approved charter, the sponsor shall report such shortcomings

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262 to the Department of Education.

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

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

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

272 j. The sponsor may ~~shall~~ not impose additional reporting
273 requirements on a charter school as long as the charter school
274 has not been identified as having a deteriorating financial
275 condition or financial emergency pursuant to s. 1002.345 ~~without~~
276 ~~providing reasonable and specific justification in writing to~~
277 ~~the charter school.~~

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

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

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

285 (B) The date each application was approved, denied, or
286 withdrawn.

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

288 (II) Annually, by November 1, the sponsor shall submit to
289 the department the information for the applications submitted
290 the previous year.

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

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

298 3. This paragraph does not waive a sponsor's sovereign
299 immunity.

300 4. A Florida College System institution may work with the
301 school district or school districts in its designated service
302 area to develop charter schools that offer secondary education.
303 These charter schools must include an option for students to
304 receive an associate degree upon high school graduation. If a
305 Florida College System institution operates an approved teacher
306 preparation program under s. 1004.04 or s. 1004.85, the
307 institution may operate charter schools that serve students in
308 kindergarten through grade 12 in any school district within the
309 service area of the institution. District school boards shall
310 cooperate with and assist the Florida College System institution
311 on the charter application. Florida College System institution
312 applications for charter schools are not subject to the time
313 deadlines outlined in subsection (6) and may be approved by the
314 district school board at any time during the year. Florida
315 College System institutions may not report FTE for any students
316 participating under this subparagraph who receive FTE funding
317 through the Florida Education Finance Program.

318 5. For purposes of assisting the development of a charter
319 school, a school district may enter into nonexclusive interlocal

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320 agreements with federal and state agencies, counties,
321 municipalities, and other governmental entities that operate
322 within the geographical borders of the school district to act on
323 behalf of such governmental entities in the inspection,
324 issuance, and other necessary activities for all necessary
325 permits, licenses, and other permissions that a charter school
326 needs in order for development, construction, or operation. A
327 charter school may use, but may not be required to use, a school
328 district for these services. The interlocal agreement must
329 include, but need not be limited to, the identification of fees
330 that charter schools will be charged for such services. The fees
331 must consist of the governmental entity's fees plus a fee for
332 the school district to recover no more than actual costs for
333 providing such services. These services and fees are not
334 included within the services to be provided pursuant to
335 subsection (20). Notwithstanding any other provision of law, an
336 interlocal agreement or ordinance that imposes a greater
337 regulatory burden on charter schools than school districts or
338 that between a school district and a federal or state agency,
339 county, municipality, or other governmental entity which
340 prohibits or limits the creation of a charter school ~~within the~~
341 ~~geographic borders of the school district~~ is void and
342 unenforceable. An interlocal agreement entered into by a school
343 district for the development of only its own schools, including
344 provisions relating to the extension of infrastructure, may be
345 used by charter schools.

346 6. The board of trustees of a sponsoring state university
347 or Florida College System institution under paragraph (a) is the
348 local educational agency for all charter schools it sponsors for

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349 purposes of receiving federal funds and accepts full
350 responsibility for all local educational agency requirements and
351 the schools for which it will perform local educational agency
352 responsibilities. A student enrolled in a charter school that is
353 sponsored by a state university or Florida College System
354 institution may not be included in the calculation of the school
355 district's grade under s. 1008.34(5) for the school district in
356 which he or she resides.

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

372 (c)1. A charter may be renewed provided that a program
373 review demonstrates that the criteria in paragraph (a) have been
374 successfully accomplished and that none of the grounds for
375 nonrenewal established by paragraph (8) (a) have ~~has~~ been
376 expressly found. The charter of a charter school that meets
377 these requirements and has received a school grade lower than a

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378 "B" pursuant to s. 1008.34 in the most recently graded school
379 year must be renewed for no less than a 5-year term except as
380 provided in paragraph (9) (n) ~~documented~~. In order to facilitate
381 long-term financing for charter school construction, charter
382 schools operating for a minimum of 3 years and demonstrating
383 exemplary academic programming and fiscal management are
384 eligible for a 15-year charter renewal. Such long-term charter
385 is subject to annual review and may be terminated during the
386 term of the charter.

387 2. The 15-year charter renewal that may be granted pursuant
388 to subparagraph 1. must ~~shall~~ be granted to a charter school
389 that has received a school grade of "A" or "B" pursuant to s.
390 1008.34 in the most recently graded school year ~~3 of the past 4~~
391 ~~years~~ and that is not in a state of financial emergency or
392 deficit position as defined by this section. Such long-term
393 charter is subject to annual review and may be terminated during
394 the term of the charter pursuant to subsection (8).

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

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

402 1. Failure to participate in the state's education
403 accountability system created in s. 1008.31, as required in this
404 section, or failure to meet the requirements for student
405 performance stated in the charter.

406 2. Failure to meet generally accepted standards of fiscal

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407 management due to deteriorating financial conditions or
408 financial emergencies determined pursuant to s. 1002.345.

409 3. Material violation of law.

410 ~~4. Other good cause shown.~~

411 (9) CHARTER SCHOOL REQUIREMENTS.—

412 (p)1. Each charter school shall maintain a website that
413 enables the public to obtain information regarding the school;
414 the school's academic performance; the names of the governing
415 board members; the programs at the school; any management
416 companies, service providers, or education management
417 corporations associated with the school; the school's annual
418 budget and its annual independent fiscal audit; the school's
419 grade pursuant to s. 1008.34; and, on a quarterly basis, the
420 minutes of governing board meetings.

421 2. Each charter school's governing board must appoint a
422 representative to facilitate parental involvement, provide
423 access to information, assist parents and others with questions
424 and concerns, and resolve disputes. The representative must
425 reside in the school district in which the charter school is
426 located and may be a governing board member, a charter school
427 employee, or an individual contracted to represent the governing
428 board. If the governing board oversees multiple charter schools
429 in the same school district, the governing board must appoint a
430 separate representative for each charter school in the district.
431 The representative's contact information must be provided
432 annually in writing to parents and posted prominently on the
433 charter school's website. The sponsor may not require governing
434 board members to reside in the school district in which the
435 charter school is located if the charter school complies with

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436 this subparagraph.

437 3. Each charter school's governing board must hold at least
438 two public meetings per school year in the school district where
439 the charter school is located. The meetings must be noticed,
440 open, and accessible to the public, and attendees must be
441 provided an opportunity to receive information and provide input
442 regarding the charter school's operations. The appointed
443 representative and charter school principal or director, or his
444 or her designee, must be physically present at each meeting.
445 Members of the governing board or any member of a committee
446 formed or designated by the governing board may attend in person
447 or by means of communications media technology used in
448 accordance with rules adopted by the Administration Commission
449 under s. 120.54(5).

450 (18) FACILITIES.—

451 (a) A startup charter school shall utilize facilities which
452 comply with the Florida Building Code pursuant to chapter 553
453 except for the State Requirements for Educational Facilities.
454 Conversion charter schools shall utilize facilities that comply
455 with the State Requirements for Educational Facilities provided
456 that the school district and the charter school have entered
457 into a mutual management plan for the reasonable maintenance of
458 such facilities. The mutual management plan shall contain a
459 provision by which the district school board agrees to maintain
460 charter school facilities in the same manner as its other public
461 schools within the district. Charter schools, with the exception
462 of conversion charter schools, are not required to comply, but
463 may choose to comply, with the State Requirements for
464 Educational Facilities of the Florida Building Code adopted

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465 pursuant to s. 1013.37. The local governing authority shall not
466 adopt or impose any local building requirements or site-
467 development restrictions, such as parking and site-size
468 criteria, student enrollment, and occupant load, that are
469 addressed by and more stringent than those found in the State
470 Requirements for Educational Facilities of the Florida Building
471 Code. A local governing authority must treat charter schools
472 equitably in comparison to similar requirements, restrictions,
473 and site planning processes imposed upon public schools that are
474 not charter schools, including such provisions that are
475 established by interlocal agreement. An interlocal agreement
476 entered into by a school district for the development of only
477 its own schools, including provisions relating to the extension
478 of infrastructure, may be used by charter schools. A charter
479 school may not be subject to any land use regulation requiring a
480 change to a local government comprehensive plan or requiring a
481 development order or development permit, as those terms are
482 defined in s. 163.3164, that would not be required for a public
483 school in the same location. The agency having jurisdiction for
484 inspection of a facility and issuance of a certificate of
485 occupancy or use shall be the local municipality or, if in an
486 unincorporated area, the county governing authority. If an
487 official or employee of the local governing authority refuses to
488 comply with this paragraph, the aggrieved school or entity has
489 an immediate right to bring an action in circuit court to
490 enforce its rights by injunction. An aggrieved party that
491 receives injunctive relief may be awarded attorney fees and
492 court costs.

493 (c) Any facility, or portion thereof, used to house a

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494 charter school whose charter has been approved by the sponsor
495 and the governing board, pursuant to subsection (7), ~~is shall be~~
496 exempt from ad valorem taxes pursuant to s. 196.1983. Any
497 library, community service, museum, performing arts, theatre,
498 cinema, or church facility; any facility or land owned by a
499 Florida College System institution ~~or, college, and university;~~
500 any similar public institutional facilities; and any facility
501 recently used to house a school or child care facility licensed
502 under s. 402.305 may provide space to charter schools within
503 their facilities under their preexisting zoning and land use
504 designations without obtaining a special exception, rezoning, or
505 a land use change.

506 (f) To the extent that charter school facilities are
507 specifically created to mitigate the educational impact created
508 by the development of new residential dwelling units, pursuant
509 to subparagraph (2)(c)4., a proportionate share of costs per
510 student station ~~some of or all of the~~ educational impact fees
511 required to be paid in connection with the new residential
512 dwelling units must ~~may~~ be designated ~~instead~~ for the
513 construction of the charter school facilities that will mitigate
514 the student station impact, including charter school facilities
515 described in subparagraph (10)(e)7. Such facilities shall be
516 built to the State Requirements for Educational Facilities and
517 shall be owned by a public or nonprofit entity. The local school
518 district retains the right to monitor and inspect such
519 facilities to ensure compliance with the State Requirements for
520 Educational Facilities. If a facility ceases to be used for
521 public educational purposes, either the facility shall revert to
522 the school district subject to any debt owed on the facility, or

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523 the owner of the facility shall have the option to refund all
524 educational impact fees utilized for the facility to the school
525 district. The district and the owner of the facility may
526 contractually agree to another arrangement for the facilities if
527 the facilities cease to be used for educational purposes. The
528 owner of property planned or approved for new residential
529 dwelling units and the entity levying educational impact fees
530 shall enter into an agreement that designates the educational
531 impact fees that will be allocated for the charter school
532 student stations and that ensures the timely construction of the
533 charter school student stations concurrent with the expected
534 occupancy of the residential units. The application for use of
535 educational impact fees shall include an approved charter school
536 application. To assist the school district in forecasting
537 student station needs, the entity levying the impact fees shall
538 notify the affected district of any agreements it has approved
539 for the purpose of mitigating student station impact from the
540 new residential dwelling units. Any entity contributing toward
541 the construction of such facilities shall receive a credit
542 toward any impact fees or exactions imposed for public
543 educational facilities to the extent that the entity has not
544 received a credit for such contribution pursuant to s.
545 163.3180(6)(h)2.

546 (20) SERVICES.—

547 (a)1. A sponsor shall provide certain administrative and
548 educational services to charter schools. These services shall
549 include contract management services; full-time equivalent and
550 data reporting services; exceptional student education
551 administration services; services related to eligibility and

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552 reporting duties required to ensure that school lunch services
553 under the National School Lunch Program, consistent with the
554 needs of the charter school, are provided by the sponsor at the
555 request of the charter school, that any funds due to the charter
556 school under the National School Lunch Program be paid to the
557 charter school as soon as the charter school begins serving food
558 under the National School Lunch Program, and that the charter
559 school is paid at the same time and in the same manner under the
560 National School Lunch Program as other public schools serviced
561 by the sponsor or the school district; test administration
562 services, including payment of the costs of state-required or
563 district-required student assessments; processing of teacher
564 certificate data services; and information services, including
565 equal access to the sponsor's student information systems that
566 are used by public schools in the district in which the charter
567 school is located or by schools in the sponsor's portfolio of
568 charter schools if the sponsor is not a school district. Student
569 performance data for each student in a charter school,
570 including, but not limited to, FCAT scores, standardized test
571 scores, previous public school student report cards, and student
572 performance measures, shall be provided by the sponsor to a
573 charter school in the same manner provided to other public
574 schools in the district or by schools in the sponsor's portfolio
575 of charter schools if the sponsor is not a school district.

576 2. A sponsor may withhold an administrative fee for the
577 provision of such services which shall be a percentage of the
578 available funds defined in paragraph (17)(b) calculated based on
579 weighted full-time equivalent students. If the charter school
580 serves 75 percent or more exceptional education students as

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581 defined in s. 1003.01(3), the percentage shall be calculated
582 based on unweighted full-time equivalent students. The
583 administrative fee shall be calculated as follows:

584 a. Up to 5 percent for:

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

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

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

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

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

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

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

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

599 b. Up to 2 percent for enrollment of up to and including
600 250 students in a high-performing charter school as defined in
601 s. 1002.331.

602 c. Up to 2 percent for enrollment of up to and including
603 250 students in an exceptional student education center that
604 meets the requirements of the rules adopted by the State Board
605 of Education pursuant to s. 1008.3415(3).

606 3. A sponsor may not charge charter schools any additional
607 fees or surcharges for administrative and educational services
608 in addition to the maximum percentage of administrative fees
609 withheld pursuant to this paragraph. A sponsor may not charge or

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610 withhold any administrative fee against a charter school for any
611 funds specifically allocated by the Legislature for teacher
612 compensation.

613 4. A sponsor shall provide to the department by September
614 15 of each year the total amount of funding withheld from
615 charter schools pursuant to this subsection for the prior fiscal
616 year. The department must include the information in the report
617 required under sub-sub-subparagraph (5)(b)1.k.(III).

618 Section 4. Section 1004.88, Florida Statutes, is created to
619 read:

620 1004.88 Florida Institute for Charter School Innovation.—

621 (1) The Florida Institute for Charter School Innovation is
622 established at Miami Dade College, subject to appropriation, for
623 the purpose of improving charter school authorizing practices in
624 this state.

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

626 (a) Analyze charter school applications, identify best
627 practices, and create a state resource for developing and
628 reviewing charter school applications.

629 (b) Provide charter school sponsors with training,
630 technical assistance, and support in reviewing initial and
631 renewal charter applications.

632 (c) Conduct applied research on policy and practices
633 related to charter schools.

634 (d) Conduct or compile basic research on the status of
635 educational choice, charter authorizing, and charter school
636 performance in this state, and other topics related to charter
637 schools.

638 (e) Collaborate with the Department of Education in

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639 developing the sponsor evaluation framework under s.
640 1002.33(5)(c).

641 (f) Disseminate information regarding research-based
642 charter school teaching practices to teacher educators in this
643 state.

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

647 (3) The institute may apply for and receive federal, state,
648 or local agency grants for the purposes of this section.

649 (4) The District Board of Trustees of Miami Dade College
650 shall establish policies for the supervision, administration,
651 and governance of the institute.

652 Section 5. (1) The Office of Program Policy Analysis and
653 Government Accountability shall conduct an analysis of the
654 current methodologies for the distribution of capital outlay
655 funds and federal funds through Titles I, II, III, and IV of the
656 Elementary and Secondary Education Act, as amended, and the
657 Individuals with Disabilities Education Act, as amended, to
658 charter schools. Based on its analysis, the office shall
659 recommend any changes to provide an equitable allocation of
660 capital outlay funds and specified federal funds to all public
661 schools.

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

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

667 (b) An analysis of the calculation methodology to determine

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668 the amount of revenue that a school district must distribute to
669 a charter school under s. 1013.62(3), Florida Statutes.

670 (c) For the most recent 3 years, a comparison of the
671 charter school capital outlay amounts between the allocation of
672 state funds and revenue that would result from the discretionary
673 millage authorized under s. 1011.71(2), Florida Statutes.

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

676 (3) The office shall submit a report of its findings and
677 recommendations to the Governor, the President of the Senate,
678 and the Speaker of the House of Representatives by January 1,
679 2023.

680 Section 6. Paragraphs (a) and (c) of subsection (16) of
681 section 1011.62, Florida Statutes, are amended to read:

682 1011.62 Funds for operation of schools.—If the annual
683 allocation from the Florida Education Finance Program to each
684 district for operation of schools is not determined in the
685 annual appropriations act or the substantive bill implementing
686 the annual appropriations act, it shall be determined as
687 follows:

688 (16) TEACHER SALARY INCREASE ALLOCATION.—The Legislature
689 may annually provide in the Florida Education Finance Program a
690 teacher salary increase allocation to assist school districts in
691 their recruitment and retention of classroom teachers and other
692 instructional personnel. The amount of the allocation shall be
693 specified in the General Appropriations Act.

694 (a) Each school district shall receive an allocation based
695 on the school district's proportionate share of the base FEFP
696 allocation. Each school district shall provide each charter

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697 school within its district its proportionate share calculated
698 pursuant to s. 1002.33(17) (b). If a district school board has
699 not received its allocation due to its failure to submit an
700 approved district salary distribution plan, the district school
701 board must still provide each charter school that has submitted
702 a salary distribution plan within its district its proportionate
703 share of the allocation.

704 (c) Before distributing allocation funds received pursuant
705 to paragraph (a), each school district and each charter school
706 shall develop a salary distribution plan that clearly delineates
707 the planned distribution of funds pursuant to paragraph (b) in
708 accordance with modified salary schedules, as necessary, for the
709 implementation of this subsection.

710 1. Each school district superintendent and each charter
711 school administrator must submit its proposed salary
712 distribution plan to the district school board or the charter
713 school governing body, as appropriate, for approval.

714 2. Each school district shall submit the approved district
715 salary distribution plan ~~and, along with~~ the approved salary
716 distribution plan for each charter school in the district, to
717 the department by October 1 of each fiscal year.

718 Section 7. This act shall take effect July 1, 2022.