

## CHAPTER 2021-35

### Committee Substitute for Committee Substitute for Senate Bill No. 1028

An act relating to education; amending s. 1001.43, F.S.; authorizing members of certain committees of a district school board to attend meetings in person or through the use of telecommunications networks; amending s. 1002.32, F.S.; providing that the limitation on lab schools does not apply to a school serving a military installation; amending s. 1002.321, F.S.; conforming a provision to changes made by the act; amending s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; prohibiting certain charter schools from being sponsored by a Florida College System institution until such charter schools' existing charter expires; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; revising provisions relating to Florida College System institutions that are operating charter schools; prohibiting certain interlocal agreements; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing requirements for the framework; requiring the department to compile results in a specified manner; deleting obsolete language; revising requirements for the charter school application process; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file monthly reports; authorizing school districts to resume withholding the full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; requiring the State Board of Education to withhold state funds from a district school board that is in violation of a state board decision on a charter school; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination of a charter; authorizing the award of specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising the student populations for which a charter school is authorized to limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the

department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; authorizing a sponsor to withhold an administrative fee for the provision of certain services to an exceptional student education center that meets specified requirements; conforming provisions to changes made by the act; amending s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising provisions relating to the opening of additional high-performing charter schools; amending s. 1002.333, F.S.; revising the definition of the term “persistently low-performing school”; providing that certain nonprofit entities may be designated as a local education agency; providing that certain entities report students to the department in a specified manner; specifying reporting provisions that apply only to certain schools of hope; providing that schools of hope may comply with certain financial reporting in a specified manner; revising the manner in which underused, vacant, or surplus facilities owned or operated by school districts are identified; authorizing a nonprofit entity designated as a local education agency to use any capital assets identified in a certain annual financial audit for another school of hope operated by the local education agency within the same district; amending s. 1002.45, F.S.; authorizing a virtual charter school to provide part-time virtual instruction; amending s. 1002.455, F.S.; conforming a provision to changes made by the act; creating s. 1003.225, F.S.; defining the term “water safety”; requiring public schools to provide specified information to certain parents or students; amending s. 1003.493, F.S.; authorizing a charter school to offer a career and professional academy; amending s. 1003.621, F.S.; authorizing academically high-performing school districts to provide up to 2 days of virtual instruction; specifying requirements for such virtual instruction to comply with a specified provision; creating s. 1006.205, F.S.; providing a short title; providing legislative intent; requiring that certain athletic teams or sports sponsored by certain educational institutions be designated on the basis of students’ biological sex at birth; authorizing athletic teams or sports designated for male students to be open to female students; prohibiting athletic teams or sports designated for female students to be open to male students; providing civil remedies for students and educational institutions for certain violations of this section; providing a statute of limitation; providing for damages; amending s. 1008.3415, F.S.; requiring the Commissioner of Education, upon request by a charter school that meets specified criteria, to provide a letter to the charter school and the charter school’s sponsor authorizing the charter school to replicate its educational program; amending s. 1009.30, F.S.; specifying reimbursement for specified educational institutions; amending s. 1009.52, F.S.; revising the eligibility requirements for Florida postsecondary student assistance grants; amending s. 1012.32, F.S.; providing an alternate screening method for specified persons employed by certain schools of hope or serving on certain school of hope governing boards; amending s.

1013.62, F.S.; expanding eligibility to receive capital outlay funds to schools of hope operated by a hope operator; authorizing a parent or guardian to request that his or her K-5 student be retained in a grade level for academic reasons for a specified school year; requiring that such a request be submitted in a specified manner; requiring school principals to consider such requests if they are timely received; authorizing school principals to consider requests that are not timely received; requiring a school principal who considers a request for retention to inform the student's teachers of the request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request; requiring such discussion to disclose that retention may impact the student's eligibility to participate in high school interscholastic or intrascholastic sports; authorizing the principal, teachers, and parent or guardian to collaborate to develop a customized 1-year education plan for the student in lieu of retaining the student; requiring a parent's or guardian's decision regarding retention to control; requiring the individual education plan (IEP) team for a retained student to review and revise the student's IEP, as appropriate; requiring school districts to report certain data to the Department of Education by a specified date; providing for severability; amending chapter 2020-28, Laws of Florida; delaying the effective date of provisions governing intercollegiate athlete compensation and rights; providing a contingent effect; providing effective dates.

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

Section 1. Subsection (10) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(10) DISTRICT SCHOOL BOARD GOVERNANCE AND OPERATIONS.—The district school board may adopt policies and procedures necessary for the daily business operation of the district school board, including, but not limited to, the provision of legal services for the district school board; conducting a district legislative program; district school board member participation at conferences, conventions, and workshops, including member compensation and reimbursement for expenses; district school board policy development, adoption, and repeal; district school board meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by nondistrict personnel; citizen communications with the district school board and with individual district school board members; collaboration with local government and other entities as required by law; and organization of the district school board, including special committees and advisory committees. Members of special committees and advisory committees may attend meetings in person or through the use of telecommunications networks such as telephonic and video conferencing.

Section 2. Subsection (2) of section 1002.32, Florida Statutes, is amended to read:

1002.32 Developmental research (laboratory) schools.—

(2) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research (laboratory) schools (lab schools). Each lab school shall provide sequential instruction and shall be affiliated with the college of education within the state university of closest geographic proximity. A lab school to which a charter has been issued under s. 1002.33(5)(a)2. must be affiliated with the college of education within the state university that issued the charter, but is not subject to the requirement that the state university be of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the State Board of Education and the Legislature are authorized to sponsor a lab school. The limitation of one lab school per university shall not apply to the following legislatively allowed charter lab schools ~~authorized prior to June 1, 2003~~: Florida State University Charter Lab K-12 School in Broward County, Florida Atlantic University Charter Lab K-12 9-12 High School in Palm Beach County, and Florida Atlantic University Charter Lab K-12 School in St. Lucie County. The limitation of one lab school per university does not apply to a university that establishes a lab school to serve families of a military installation that is within the same county as a branch campus that offers programs from the university's college of education.

Section 3. Paragraph (d) of subsection (4) of section 1002.321, Florida Statutes, is amended to read:

1002.321 Digital learning.—

(4) CUSTOMIZED AND ACCELERATED LEARNING.—A school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

(d) ~~Full-time~~ Virtual charter school instruction authorized under s. 1002.33.

Section 4. Subsection (1), paragraph (c) of subsection (2), subsection (5), paragraphs (b) and (d) of subsection (6), paragraphs (a), (b), and (d) of subsection (7), paragraphs (c), (d), and (e) of subsection (8), paragraphs (g) and (n) of subsection (9), paragraphs (d) and (e) of subsection (10), subsection (14), paragraph (c) of subsection (15), subsection (17), paragraph (e) of subsection (18), subsections (20) and (21), paragraph (a) of subsection (25), and subsection (28) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of the state’s program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(d) to provide ~~full-time~~ online instruction to students, pursuant to s. 1002.455, in kindergarten through grade 12. The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c)1.b.(VI), and the home school district shall not report the student for funding. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(2) GUIDING PRINCIPLES; PURPOSE.—

(c) Charter schools may fulfill the following purposes:

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

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities.*—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.
2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school’s sponsor. Such school shall be considered a charter lab school.
3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional

education or workforce demands by serving students from multiple school districts.

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

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

(b) *Sponsor duties.*—

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

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

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

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

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

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

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

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

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

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

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

(I) The report shall include the following information:

~~(A) The number of draft applications received on or before May 1 and each applicant’s contact information.~~

~~(B) The number of final applications received up to on or before August 1 and each applicant’s contact information.~~

~~(B)(C)~~ The date each application was approved, denied, or withdrawn.

~~(C)(D)~~ The date each final contract was executed.

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

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

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

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

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate ~~no more than one~~ charter ~~schools school~~ that serve ~~serves~~ students in kindergarten through grade 12 in any school district within the service area of the institution. ~~In kindergarten through grade 8, the charter school shall implement innovative blended learning instructional models in which, for a given course, a student learns in part through online delivery of content and instruction with some element of student control over time, place, path, or pace and in part at a supervised brick-and-mortar location away from home. A student in a blended learning course must be a full-time student of the charter school and receive the online instruction in a classroom setting at~~

~~the charter school.~~ District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

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

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

(c) *Sponsor accountability.*—

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

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

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



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

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

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

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

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

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

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

projection that includes full accounting of the costs of operation, including start-up costs.

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

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

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

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

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

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

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

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

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

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

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

~~(d)1. The sponsor shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.~~

~~2. A school district that fails to implement the decision affirmed by a district court of appeal shall reduce the administrative fees withheld pursuant to subsection (20) to 1 percent for all charter schools operating in the school district. Such school districts shall file a monthly report detailing the reduction in the amount of administrative fees withheld. Upon execution of the charter, the sponsor may resume withholding the full amount of administrative fees but may not recover any fees that would have otherwise accrued during the period of noncompliance. Any charter school that had administrative fees withheld in violation of this paragraph may recover attorney fees and costs to enforce the requirements of this paragraph.~~

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on

charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

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

1. The school's mission, the students to be served, and the ages and grades to be included.

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

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

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a) 1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

- a. How the baseline student academic achievement levels and prior rates of academic progress will be established.
- b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.
- c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing

collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

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

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

(b) The sponsor has 30 days after approval of the application to provide an initial proposed charter contract to the charter school. The applicant and the sponsor have 40 days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least 7 calendar days before the date of the meeting at which the charter is scheduled to be voted upon by the sponsor. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except a dispute regarding a charter school application denial. If either the charter school or the sponsor indicates in writing that the party does not desire to settle any dispute arising under this section through mediation procedures offered by the Department of Education, a charter school may immediately appeal any formal or informal decision by the sponsor to an administrative law judge appointed by the Division of Administrative Hearings. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may also be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or any other matter regarding this section, except a dispute regarding charter school application denial, a charter termination, or a charter nonrenewal. The administrative law judge shall award the

prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Changes to curriculum which are consistent with state standards shall be deemed approved unless the sponsor and the Department of Education determine in writing that the curriculum is inconsistent with state standards. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the sponsor school-district as a consolidation.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.

(c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The sponsor's determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter school's governing board, the charter school principal, and the department of the facts and circumstances supporting the immediate termination if a charter is terminated immediately. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable when appropriate. Upon receiving written notice from the sponsor, the charter school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal. The sponsor may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if shall assume operation of the charter school throughout the pendency of the hearing under paragraph (b) unless the continued operation of the charter school would materially threaten the health, safety, or welfare of the students. ~~Failure by the sponsor to assume and continue operation of the charter school shall result in the awarding of reasonable costs and attorney's fees to the charter school if the charter school prevails on appeal.~~

(d) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, except for capital outlay funds and



federal charter school program grant funds, from the charter school shall revert to the sponsor. Capital outlay funds provided pursuant to s. 1013.62 and federal charter school program grant funds that are unencumbered shall revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all ~~sponsor district school board~~ property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor district, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, ~~district school board~~ property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the sponsor's district ~~school board's~~ request, until any appeal status is resolved.

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

(9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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

3. A charter school shall, upon approval of the charter contract, provide the sponsor with a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue,

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

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

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

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

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

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

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

(IV) Voluntarily close the charter school.

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

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

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

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

3. A charter school’s charter contract is automatically terminated if the school earns two consecutive grades of “F” after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of “D” in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department’s official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby ~~district~~ public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school’s governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this

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

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

(10) ELIGIBLE STUDENTS.—

(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, or the charter school's governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board during the previous year.
6. Students who are the children of an active duty member of any branch of the United States Armed Forces.
7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

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

1. Students within specific age groups or grade levels.

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

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

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

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

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

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

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.—Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a sponsor school district shall indemnify the state and the sponsor school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the sponsor school district but are obligations of the charter school authority and are payable solely from the sources of funds pledged by such agreement. The credit or taxing power

of the state or the sponsor school district shall not be pledged and no debts shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a sponsor district school board pursuant to this section.

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

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

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

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

(b)1. The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; and multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation, the research-based reading allocation, and the

Florida digital classrooms allocation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education. For charter schools operated by a not-for-profit or municipal entity, any unrestricted current and capital assets identified in the charter school's annual financial audit may be used for other charter schools operated by the not-for-profit or municipal entity within the school district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

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

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

(c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be

reimbursed, any expenditures made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars; the federal Education Department General Administrative Regulations; and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.

(d) Charter schools shall be included by the Department of Education and the district school board in requests for federal stimulus funds in the same manner as district school board-operated public schools, including Title I and IDEA funds and shall be entitled to receive such funds. Charter schools are eligible to participate in federal competitive grants that are available as part of the federal stimulus funds.

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



(f) Funding for a virtual charter school shall be as provided in s. 1002.45(7).

(g) To be eligible for public education capital outlay (PECO) funds, a charter school must be located in the State of Florida.

(h) A charter school that implements a schoolwide standard student attire policy pursuant to s. 1011.78 is eligible to receive incentive payments.

(18) FACILITIES.—

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

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor~~school district~~ at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter

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

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

a. Up to 5 percent for:

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

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

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

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

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

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

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

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

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

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

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

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the

information in the report required under sub-sub-subparagraph (5)(b)1.k. (III).

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

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

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

(21) PUBLIC INFORMATION ON CHARTER SCHOOLS.—

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

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

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

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

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

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of at least one school district in this ~~the~~ state; and
3. Has the same governing board.

Such designation does not apply to other provisions unless specifically provided in law.

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

Section 5. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a)1. Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or

received at least two consecutive school grades of “A” in the most recent 2 school years for the years that the school received a grade; or

2. Receives, during its first 3 years of operation, funding through the National Fund of the Charter School Growth Fund, and has received no school grade lower than a “C,” pursuant to s. 1008.34, during each of the previous 3 school years for the years that the school received a grade.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply for the most recent 2 fiscal years if the charter school earns two consecutive grades of “A.” A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(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 ~~grade-level~~ expansion shall include any improvements to an existing facility or any new facility in which a ~~majority~~ of the students of the high-performing charter school will enroll.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may ~~submit not establish more than two applications for a charter school to be opened schools within this the state under paragraph (a) at a time determined by the high-performing charter school in any year.~~ A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school ~~applicant commences operations or an application is otherwise withdrawn established in this manner achieves high-performing charter school status.~~ However, a high-performing charter school may establish more than one charter school within this the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves

students from that school. This paragraph applies to any high-performing charter school with an existing approved application.

Section 6. Paragraph (c) of subsection (1), paragraphs (a), (g), and (h) of subsection (6), and paragraph (d) of subsection (7) of section 1002.333, Florida Statutes, are amended, and paragraph (e) is added to subsection (9) of that section, to read:

1002.333 Persistently low-performing schools.—

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

(c) “Persistently low-performing school” means a school that has earned three grades lower than a “C,” pursuant to s. 1008.34, in at least 3 of the previous 5 years that the school received a grade and has not earned a grade of “B” or higher in the most recent 2 school years, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(6) STATUTORY AUTHORITY.—

(a) A school of hope or a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district may be designated as a local education agency by the department, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency requirements and the schools for which it will perform local education agency responsibilities.

1. A nonprofit entity designated as a local education agency may report its students to the department in accordance with the definitions in s. 1011.61 and pursuant to the department’s procedures and timelines.

2. Students enrolled in a school established by a hope operator designated as a local educational agency are not eligible students for purposes of calculating the district grade pursuant to s. 1008.34(5).

(g) Each school of hope that has not been designated as a local education agency shall report its students to the school district as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The school district shall include each charter school’s enrollment in the district’s report of student enrollment. All charter schools submitting student record information required by the department shall comply with the department’s guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the department’s electronic format.

(h)1. A school of hope shall provide the school district with a concise, uniform, quarterly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental fund format

prescribed by the Governmental Accounting Standards Board. Additionally, a school of hope shall comply with the annual audit requirement for charter schools in s. 218.39.

2. A school of hope is in compliance with subparagraph 1. if it is operated by a nonprofit entity designated as a local education agency and if the nonprofit submits to each school district in which it operates a school of hope:

a. A concise, uniform, quarterly financial statement summary sheet that contains a balance sheet summarizing the revenue, expenditures, and changes in fund balance for the entity and for its schools of hope within the school district.

b. An annual financial audit of the nonprofit which includes all schools of hope it operates within this state and which complies with s. 218.39 regarding audits of a school board.

(7) FACILITIES.—

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

(9) FUNDING.—

(e) For a nonprofit entity designated by the department as a local education agency pursuant to paragraph (6)(h), any unrestricted current and capital assets identified in the annual financial audit required by subparagraph (6)(h)2.b. may be used for any other school of hope operated by the local education agency within the same district. Unrestricted current assets shall be used in accordance with s. 1011.62, and any unrestricted capital assets shall be used in accordance with s. 1013.62(2).

Section 7. Paragraph (d) of subsection (1) and paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

## (1) PROGRAM.—

(d) A virtual charter school may provide full-time or part-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter approved pursuant to s. 1002.33 authorizing full-time virtual instruction. A virtual charter school may:

1. Contract with the Florida Virtual School.
2. Contract with an approved provider under subsection (2).
3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(e).

## (2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;
2. Complies with the antidiscrimination provisions of s. 1000.05;
3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;
4. Provides to parents and students specific information posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:
  - a. How to contact the instructor via phone, e-mail, or online messaging tools.
  - b. How to contact technical support via phone, e-mail, or online messaging tools.
  - c. How to contact the administration office via phone, e-mail, or online messaging tools.
  - d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.
  - e. The requirement that the instructor in each course must, at a minimum, conduct one contact ~~via phone~~ with the parent and the student each month;



5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the provider’s experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program;

6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

8. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

9. If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

10. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

Section 8. Subsection (2) of section 1002.455, Florida Statutes, is amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—All students, including home education and private school students, are eligible to participate in any of the following virtual instruction options:

(2) Part-time or full-time virtual charter school instruction authorized under s. 1002.33 to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31.

Section 9. Section 1003.225, Florida Statutes, is created to read:

1003.225 Water safety and swimming certification.—

(1) For the purposes of this section, the term “water safety” means age-appropriate education intended to promote safety in, on, and around bodies of water and reduce the risk of injury or drowning.

(2) Beginning with the 2022-2023 school year, each public school shall provide, to a parent who initially enrolls his or her child in the school, information on the important role water safety education courses and swimming lessons play in saving lives. The information must be provided electronically or in hard copy and must include local options for age-appropriate water safety courses and swimming lessons that result in a certificate indicating successful completion, including courses and lessons offered for free or at a reduced price. If the student is 18 years of age or older, or is under the age of 21 and is enrolling in adult education classes, the information must be provided to the student.

Section 10. Paragraph (a) of subsection (1) of section 1003.493, Florida Statutes, is amended to read:

1003.493 Career and professional academies and career-themed courses.

(1)(a) A “career and professional academy” is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Department of Economic Opportunity. Career and professional academies shall be offered by public schools

and school districts. Career and professional academies may be offered by charter schools. The Florida Virtual School is encouraged to develop and offer rigorous career and professional courses as appropriate. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the state.

Section 11. Paragraph (g) of subsection (2) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

(2) COMPLIANCE WITH STATUTES AND RULES.—Each academically high-performing school district shall comply with all of the provisions in chapters 1000-1013, and rules of the State Board of Education which implement these provisions, pertaining to the following:

(g) Those statutes pertaining to planning and budgeting, including chapter 1011, except s. 1011.62(9)(d), relating to the requirement for a comprehensive reading plan. A district that is exempt from submitting a comprehensive reading this plan shall be deemed approved to receive the research-based reading instruction allocation. Each academically high-performing school district may provide up to 2 days of virtual instruction as part of the required 180 actual teaching days or the equivalent on an hourly basis each school year, as specified by rules of the State Board of Education. Virtual instruction that is conducted in accordance with the plan approved by the department, is teacher-developed, and is aligned with the standards for enrolled courses complies with s. 1011.60(2). The day or days must be indicated on the calendar approved by the school board. The district shall submit a plan for each day of virtual instruction to the department for approval, in a format prescribed by the department, with assurances of alignment to statewide student standards as described in s. 1003.41 before the start of each school year.

Section 12. Section 1006.205, Florida Statutes, is created to read:

1006.205 Fairness in Women’s Sports Act.—

(1) SHORT TITLE.—This section may be cited as the “Fairness in Women’s Sports Act.”

(2) LEGISLATIVE INTENT AND FINDINGS.—

(a) It is the intent of the Legislature to maintain opportunities for female athletes to demonstrate their strength, skills, and athletic abilities and to

provide them with opportunities to obtain recognition and accolades, college scholarships, and the numerous other long-term benefits that result from participating and competing in athletic endeavors.

(b) The Legislature finds that maintaining the fairness for women athletic opportunities is an important state interest. The Legislature finds that requiring the designation of separate sex-specific athletic teams or sports is necessary to maintain fairness for women's athletic opportunities.

(3) DESIGNATION OF ATHLETIC TEAMS OR SPORTS.—

(a) Interscholastic, intercollegiate, intramural, or club athletic teams or sports that are sponsored by a public secondary school or public postsecondary institution must be expressly designated as one of the following based on the biological sex at birth of team members:

1. Males, men, or boys;
2. Females, women, or girls; or
3. Coed or mixed, including both males and females.

(b) Athletic teams or sports designated for males, men, or boys may be open to students of the female sex.

(c) Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex.

(d) For purposes of this section, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex at birth if the statement was filed at or near the time of the student's birth.

(4) CAUSE OF ACTION; CIVIL REMEDIES.—

(a) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school or public postsecondary institution.

(b) Any student who is subject to retaliation or other adverse action by a school, public postsecondary institution, or athletic association or organization as a result of reporting a violation of this section to an employee or representative of the school, institution, or athletic association or organization, or to any state or federal agency with oversight of schools or public postsecondary institutions in the state, shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the school, institution, or athletic association or organization.

(c) Any school or public postsecondary institution that suffers any direct or indirect harm as a result of a violation of this section shall have a private cause of action for injunctive relief, damages, and any other relief available under law against the governmental entity, licensing or accrediting organization, or athletic association or organization.

(d) All civil actions brought under this section must be initiated within 2 years after the alleged harm occurred. Persons or organizations who prevail on a claim brought under this section shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney fees and costs, and any other appropriate relief.

Section 13. Present subsection (3) of section 1008.3415, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

1008.3415 School grade or school improvement rating for exceptional student education centers.—

(3) A charter school that is an exceptional student education center and that receives two consecutive ratings of “maintaining” or higher may replicate its educational program under s. 1002.331(3). The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the requirements of this subsection and provide a letter to the charter school and the sponsor stating that the charter school may replicate its educational program in the same manner as a high-performing charter school under s. 1002.331(3).

Section 14. Present paragraphs (a) through (d) of subsection (6) of section 1009.30, Florida Statutes, as created by CS/CS/SB 52, 2021 Regular Session, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that section, to read:

1009.30 Dual Enrollment Scholarship Program.—

(6)(a) School district career centers shall be reimbursed at the in-state resident tuition rate established in s. 1009.22(3)(c).

Section 15. Subsection (2) of section 1009.52, Florida Statutes, is amended to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.—

(2)(a) Florida postsecondary student assistance grants may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed the maximum annual award amount specified in the General Appropriations Act. A demonstrated

unmet need of less than \$200 shall render the applicant ineligible for a Florida postsecondary student assistance grant.

~~(a) Awards may be made to full-time degree-seeking students who~~ Recipients of such grants must have been accepted at a postsecondary institution that is located in this state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. A college or university licensed by the Commission for Independent Education, excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 1009.51.

(b) Awards may be made to full-time certificate-seeking students who have been accepted at an aviation maintenance school that is located in this state, certified by the Federal Aviation Administration, and licensed by the Commission for Independent Education. Such student's eligibility for the renewal of an award shall be evaluated at the end of the completion of 900 clock hours and, as a condition of renewal, the student shall meet the requirements under s. 1009.40(1)(b).

(c) If funds are available, a student who received an award in the fall or spring term may receive an award in the summer term. Priority in the distribution of summer awards shall be given to students who are within one semester, or equivalent, of completing a degree or certificate program. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3). A student specified in paragraph (b) is eligible for an award of up to 110 percent of the number of clock hours required to complete the program in which the student is enrolled.

~~(d)~~(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

~~(e)~~(e) Priority in the distribution of grant moneys may be given to students who are within one semester, or equivalent, of completing a degree or certificate program. An institution may not make a grant from this program to a student whose expected family contribution exceeds one and one-half times the maximum Pell Grant-eligible family contribution. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

~~(f)~~(d) Each participating institution shall report to the department by the established date the students eligible for the program for each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

Section 16. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b)1. Instructional and noninstructional personnel who are hired or contracted to fill positions in a ~~any~~ charter school other than a school of hope as defined in s. 1002.333, and members of the governing board of such ~~any~~ charter school, in compliance with s. 1002.33(12)(g), ~~must~~, upon employment, engagement of services, or appointment, shall undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

2. Instructional and noninstructional personnel who are hired or contracted to fill positions in a school of hope as defined in s. 1002.333, and members of the governing board of such school of hope, shall file with the school of hope a complete set of fingerprints taken by an authorized law enforcement agency, by an employee of the school of hope or school district who is trained to take fingerprints, or by any other entity recognized by the Department of Law Enforcement to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Required fingerprints must ~~shall~~ be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have

been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. A district school board shall reimburse a charter school the cost of background screening if it does not notify the charter school of the eligibility of a governing board member or instructional or noninstructional personnel within the earlier of 14 days after receipt of the background screening results from the Florida Department of Law Enforcement or 30 days of submission of fingerprints by the governing board member or instructional or noninstructional personnel.

Section 17. Paragraph (a) of subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 General Appropriations Act. Beginning in fiscal year 2021-2022, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

- 1.a. Have been in operation for 2 or more years;
- b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;
- c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;
- d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; ~~or~~
- e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b); or



- f. Be operated by a hope operator pursuant to s. 1002.333.
2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.
3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.
4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.
5. Serve students in facilities that are not provided by the charter school's sponsor.

Section 18. (1) Notwithstanding s. 1008.25, Florida Statutes, a parent or guardian may request that his or her K-5 public school student be retained for the 2021-2022 school year in the grade level to which the student was assigned at the beginning of the 2020-2021 school year, provided that such request is made for academic reasons.

(a) A parent or guardian who wishes for his or her student to be retained as provided by this act must submit, in writing, to the school principal a retention request that specifies the academic reasons for the retention. Only requests received by the principal on or before June 30, 2021, must be considered. A principal may consider a request received after that date at his or her discretion.

(b)1. A principal who considers a retention request submitted pursuant to this subsection shall inform the student's teachers of the retention request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request. As part of the discussion with the parent or guardian, the principal shall disclose that retention may impact the student's eligibility to participate in high school interscholastic or intrascholastic sports due to the student's age.

2. In lieu of retention, the principal, teachers, and parent or guardian may collaborate to develop a customized 1-year education plan for the student with the intent of helping the student return to grade level readiness by the end of the next academic year. Such plan may include, but need not be limited to, supplemental educational support, services, and interventions; summer education; promotion in some, but not all, courses; and midyear promotion.

3. The parent's or guardian's decision to promote or retain his or her student after discussing the retention request with the principal shall control. The parent or guardian must sign a form provided by the principal indicating the parent or guardian's decision and acknowledging the academic and athletic ramifications of his or her decision. This form must be retained in the student's record.

(c) If a student retained under this subsection has an individual education plan (IEP) in effect, the student’s IEP team must convene to review and revise the student’s IEP, as appropriate.

(d) By June 30, 2022, school districts shall report to the Department of Education the number of students retained pursuant to this act for all or part of the 2021-2022 school year.

(2) This section shall take effect upon becoming a law.

Section 19. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 20. Effective upon this act becoming a law, section 3 of chapter 2020-28, Laws of Florida, is amended to read:

Section 3. This act shall take effect July 1, 2022 2021.

Section 21. The amendment of s. 1009.30, Florida Statutes, by this act shall take effect only if CS/CS/SB 52, 2021 Regular Session, or similar legislation takes effect and if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 22. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2021.

Approved by the Governor June 1, 2021.

Filed in Office Secretary of State June 1, 2021.