

1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; requiring the Department of Education to develop
4 a review and evaluation form for charter schools which
5 meets specified criteria; restricting what types of
6 rules a sponsor may impose on charter schools;
7 providing requirements for training that sponsors must
8 provide to charter schools; authorizing the department
9 to request that the State Board of Education withhold
10 funding from a sponsor under certain conditions;
11 specifying reporting requirements for sponsors;
12 authorizing the department to refund a portion of the
13 administrative fee to charter schools under certain
14 conditions; amending s. 1012.56, F.S.; revising the
15 length of time for which a statement of status of
16 eligibility is valid; revising the length of time for
17 which the department may issue a professional
18 certificate; revising the requirements needed for a
19 professional certificate; amending s. 1012.71, F.S.;
20 authorizing a school administrator or substitute
21 teacher to petition the department for Florida Teacher
22 Classroom Supply Assistance Program funds under
23 certain conditions; requiring the department to review
24 the petition and render a decision within a specified
25 timeframe; specifying applicability of other program

26 requirements; providing an effective date.

27

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

29

30 Section 1. Paragraph (b) of subsection (5) and paragraph
 31 (a) of subsection (20) of section 1002.33, Florida Statutes, are
 32 amended to read:

33 1002.33 Charter schools.—

34 (5) SPONSOR; DUTIES.—

35 (b) *Sponsor duties*.—

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

39 b. The sponsor shall monitor the revenues and expenditures
 40 of the charter school and perform the duties provided in s.
 41 1002.345.

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

46 d. The sponsor may not apply its policies to a charter
 47 school unless mutually agreed to by both the sponsor and the
 48 charter school. If the sponsor subsequently amends any agreed-
 49 upon sponsor policy, the version of the policy in effect at the
 50 time of the execution of the charter, or any subsequent

51 modification thereof, shall remain in effect and the sponsor may
52 not hold the charter school responsible for any provision of a
53 newly revised policy until the revised policy is mutually agreed
54 upon.

55 e. The sponsor shall ensure that the charter is innovative
56 and consistent with the state education goals established by s.
57 1000.03(5).

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

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

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

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

72 j. The sponsor may not impose additional reporting
73 requirements on a charter school as long as the charter school
74 has not been identified as having a deteriorating financial
75 condition or financial emergency pursuant to s. 1002.345.

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

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

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

83 (B) The date each application was approved, denied, or
 84 withdrawn.

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

86 (II) Annually, by November 1, the sponsor shall submit to
 87 the department the information for the applications submitted
 88 the previous year.

89 (III) (A) The department shall compile an annual report, by
 90 sponsor, and post the report on its website by January 15 of
 91 each year.

92 (B) The department shall develop a standardized annual
 93 periodic review and evaluation form to be completed by sponsors
 94 that meets the standard charter contract's or virtual charter
 95 contract's criteria. Any term or condition of a proposed charter
 96 annual periodic review and evaluation form or proposed virtual
 97 charter annual periodic review and evaluation form which differs
 98 from the standard annual periodic review and evaluation form or
 99 virtual charter annual periodic review and evaluation form
 100 adopted by rule of the State Board of Education shall be

101 presumed a limitation on charter school flexibility. The sponsor
102 may not impose unreasonable rules or regulations that violate
103 the intent of giving charter schools greater flexibility to meet
104 educational goals.

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

109 3. This paragraph does not waive a sponsor's sovereign
110 immunity.

111 4. A Florida College System institution may work with the
112 school district or school districts in its designated service
113 area to develop charter schools that offer secondary education.
114 These charter schools must include an option for students to
115 receive an associate degree upon high school graduation. If a
116 Florida College System institution operates an approved teacher
117 preparation program under s. 1004.04 or s. 1004.85, the
118 institution may operate charter schools that serve students in
119 kindergarten through grade 12 in any school district within the
120 service area of the institution. District school boards shall
121 cooperate with and assist the Florida College System institution
122 on the charter application. Florida College System institution
123 applications for charter schools are not subject to the time
124 deadlines outlined in subsection (6) and may be approved by the
125 district school board at any time during the year. Florida

126 College System institutions may not report FTE for any students
127 participating under this subparagraph who receive FTE funding
128 through the Florida Education Finance Program.

129 5. For purposes of assisting the development of a charter
130 school, a school district may enter into nonexclusive interlocal
131 agreements with federal and state agencies, counties,
132 municipalities, and other governmental entities that operate
133 within the geographical borders of the school district to act on
134 behalf of such governmental entities in the inspection,
135 issuance, and other necessary activities for all necessary
136 permits, licenses, and other permissions that a charter school
137 needs in order for development, construction, or operation. A
138 charter school may use, but may not be required to use, a school
139 district for these services. The interlocal agreement must
140 include, but need not be limited to, the identification of fees
141 that charter schools will be charged for such services. The fees
142 must consist of the governmental entity's fees plus a fee for
143 the school district to recover no more than actual costs for
144 providing such services. These services and fees are not
145 included within the services to be provided pursuant to
146 subsection (20). Notwithstanding any other provision of law, an
147 interlocal agreement or ordinance that imposes a greater
148 regulatory burden on charter schools than school districts or
149 that prohibits or limits the creation of a charter school is
150 void and unenforceable. An interlocal agreement entered into by

151 a school district for the development of only its own schools,
152 including provisions relating to the extension of
153 infrastructure, may be used by charter schools.

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

165 (20) SERVICES.—

166 (a)1. A sponsor shall provide certain administrative and
167 educational services to charter schools. These services shall
168 include contract management services; full-time equivalent and
169 data reporting services; exceptional student education
170 administration services; services related to eligibility and
171 reporting duties required to ensure that school lunch services
172 under the National School Lunch Program, consistent with the
173 needs of the charter school, are provided by the sponsor at the
174 request of the charter school, that any funds due to the charter
175 school under the National School Lunch Program be paid to the

176 charter school as soon as the charter school begins serving food
177 under the National School Lunch Program, and that the charter
178 school is paid at the same time and in the same manner under the
179 National School Lunch Program as other public schools serviced
180 by the sponsor or the school district; test administration
181 services, including payment of the costs of state-required or
182 district-required student assessments; processing of teacher
183 certificate data services; and information services, including
184 equal access to the sponsor's student information systems that
185 are used by public schools in the district in which the charter
186 school is located or by schools in the sponsor's portfolio of
187 charter schools if the sponsor is not a school district. Student
188 performance data for each student in a charter school,
189 including, but not limited to, FCAT scores, standardized test
190 scores, previous public school student report cards, and student
191 performance measures, shall be provided by the sponsor to a
192 charter school in the same manner provided to other public
193 schools in the district or by schools in the sponsor's portfolio
194 of charter schools if the sponsor is not a school district.

195 2. A sponsor shall provide training to charter schools on
196 any statutory requirements, systems the sponsor will require
197 charter schools to use, and rule changes from the department.
198 The sponsor shall notify charter schools of open vacancies for
199 training in the district and allow them to participate. If a
200 sponsor does not allow a charter school to participate in the

201 trainings specified in this subparagraph, the department may ask
 202 the State Board of Education to withhold funding.

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

211 a. Up to 5 percent for:

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

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

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

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

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

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

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

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

226 b. Up to 2 percent for enrollment of up to and including
227 250 students in a high-performing charter school as defined in
228 s. 1002.331.

229 c. Up to 2 percent for enrollment of up to and including
230 250 students in an exceptional student education center that
231 meets the requirements of the rules adopted by the State Board
232 of Education pursuant to s. 1008.3415(3).

233 ~~4.3.~~ A sponsor may not charge charter schools any
234 additional fees or surcharges for administrative and educational
235 services in addition to the maximum percentage of administrative
236 fees withheld pursuant to this paragraph. A sponsor may not
237 charge or withhold any administrative fee against a charter
238 school for any funds specifically allocated by the Legislature
239 for teacher compensation.

240 ~~5.4.~~ A sponsor shall provide to the department by
241 September 15 of each year the total amount of funding withheld
242 from charter schools pursuant to this subsection for the prior
243 fiscal year. The department must include the information in the
244 report required under sub-sub-subparagraph (5)(b)1.k.(III).

245 6. The sponsor shall provide annually a report to its
246 charter schools on what services are being rendered from the
247 sponsor's portion of the administrative fee. The report must
248 include the listed services with a fixed monthly and annual
249 cost. An affidavit of the report shall be signed by the
250 sponsor's chief financial officer and submitted to the

251 department by September 15 of each year. Upon the department's
252 review of the report, it may withdraw the district's portion of
253 the administrative fee if the department determines that
254 services are not being rendered. Any withdrawn funds shall be
255 refunded to the appropriate charter schools within 30 days of
256 such a determination.

257 Section 2. Subsection (1) and paragraph (a) of subsection
258 (7) of section 1012.56, Florida Statutes, are amended to read:

259 1012.56 Educator certification requirements.—

260 (1) APPLICATION.—Each person seeking certification
261 pursuant to this chapter shall submit a completed application
262 containing the applicant's social security number to the
263 Department of Education and remit the fee required pursuant to
264 s. 1012.59 and rules of the State Board of Education. Pursuant
265 to the federal Personal Responsibility and Work Opportunity
266 Reconciliation Act of 1996, each party is required to provide
267 his or her social security number in accordance with this
268 section. Disclosure of social security numbers obtained through
269 this requirement is limited to the purpose of administration of
270 the Title IV-D program of the Social Security Act for child
271 support enforcement.

272 (a) Pursuant to s. 120.60, the department shall issue
273 within 90 calendar days after receipt of the completed
274 application a professional certificate to a qualifying applicant
275 covering the classification, level, and area for which the

276 applicant is deemed qualified and a document explaining the
277 requirements for renewal of the professional certificate.

278 (b) The department shall issue a temporary certificate to
279 a qualifying applicant within 14 calendar days after receipt of
280 a request from an employer with a professional education
281 competence demonstration program pursuant to paragraphs (6)(f)
282 and (8)(b). The temporary certificate must cover the
283 classification, level, and area for which the applicant is
284 deemed qualified. The department shall electronically notify the
285 applicant's employer that the temporary certificate has been
286 issued and provide the applicant an official statement of status
287 of eligibility at the time the certificate is issued.

288 (c) Pursuant to s. 120.60, the department shall issue
289 within 90 calendar days after receipt of the completed
290 application, if an applicant does not meet the requirements for
291 either certificate, an official statement of status of
292 eligibility.

293
294 The statement of status of eligibility must be provided
295 electronically and must advise the applicant of any
296 qualifications that must be completed to qualify for
297 certification. Each method by which an applicant can complete
298 the qualifications for a professional certificate must be
299 included in the statement of status of eligibility. Each
300 statement of status of eligibility is valid for 5 ~~3~~ years after

301 its date of issuance, except as provided in paragraph (2)(d).

302 (7) TYPES AND TERMS OF CERTIFICATION.—

303 (a) The Department of Education shall issue a professional
 304 certificate for a period not to exceed 10 ~~5~~ years to any
 305 applicant who fulfills one of the following:

306 1. Meets all the applicable requirements outlined in
 307 subsection (2).

308 2. For a professional certificate covering grades 6
 309 through 12:

310 a. Meets the applicable requirements of paragraphs (2)(a) -
 311 (h).

312 b. Holds a master's or higher degree in the area of
 313 science, technology, engineering, or mathematics.

314 c. Teaches a high school course in the subject of the
 315 advanced degree.

316 d. Is rated highly effective as determined by the
 317 teacher's performance evaluation under s. 1012.34, based in part
 318 on student performance as measured by a statewide, standardized
 319 assessment or an Advanced Placement, Advanced International
 320 Certificate of Education, or International Baccalaureate
 321 examination.

322 e. Achieves a passing score on the Florida professional
 323 education competency examination required by state board rule.

324 3. Meets the applicable requirements of paragraphs (2)(a) -
 325 (f) ~~(2)(a) - (h)~~ and completes a professional preparation and

326 education competence program approved by the department pursuant
327 to paragraph (8)(c) or an educator preparation institute
328 approved by the department pursuant to s. 1004.85. An applicant
329 who completes one of these programs and is rated highly
330 effective as determined by his or her performance evaluation
331 under s. 1012.34 is not required to take or achieve a passing
332 score on the professional education competency examination in
333 order to be awarded a professional certificate.

334
335 At least 1 year before an individual's temporary certificate is
336 set to expire, the department shall electronically notify the
337 individual of the date on which his or her certificate will
338 expire and provide a list of each method by which the
339 qualifications for a professional certificate can be completed.
340 The State Board of Education shall adopt rules to allow the
341 department to extend the validity period of a temporary
342 certificate for 2 years when the requirements for the
343 professional certificate were not completed due to the serious
344 illness or injury of the applicant, the military service of an
345 applicant's spouse, other extraordinary extenuating
346 circumstances, or if the certificateholder is rated highly
347 effective in the immediate prior year's performance evaluation
348 pursuant to s. 1012.34 or has completed a 2-year mentorship
349 program pursuant to subsection (8). The department shall extend
350 the temporary certificate upon approval by the Commissioner of

HB443

2023

351 Education. A written request for extension of the certificate
352 shall be submitted by the district school superintendent, the
353 governing authority of a university lab school, the governing
354 authority of a state-supported school, or the governing
355 authority of a private school.

356 Section 3. Subsection (7) is added to section 1012.71,
357 Florida Statutes, to read:

358 1012.71 The Florida Teachers Classroom Supply Assistance
359 Program.—

360 (7) (a) An administrator or a substitute teacher acting
361 dually as a classroom teacher to fill a vacancy in an identified
362 teaching position on or before September 1 of each year who
363 holds a valid teaching certification may petition the
364 department, on a form developed by the department, for that
365 classroom teacher's portion of the Florida Teacher Classroom
366 Supply Assistance Program allocation. The department shall
367 review the petition to determine the validity of the vacancy and
368 that the administrator or substitute teacher meets the
369 requirements specified in this section. The department must
370 render a decision to the applicant and the appropriate district
371 within 30 days on any petition made pursuant to this paragraph.

372 (b) An applicant whose petition is approved pursuant to
373 paragraph (a) is otherwise subject to all other requirements set
374 forth in this section.

375 Section 4. This act shall take effect July 1, 2023.