Florida Charter School Legal Handbook

September, 2021

Compiled by the Florida Charter Support Unit ● https://charter.support

Welcome

This legal handbook was compiled by the Charter Support Unit, a resource to start-up charter schools statewide. This handbook is a compilation of Florida statutes and State Board Rules. Links to each of the original source document is provided in case you wish to find the original documentation. This handbook is meant to be a resource to charter school leaders to keep handy for reference to the statutes are most applicable to charter schools. If you need specific legal advice, we recommend reaching out to an attorney familiar with charter schools. A list of attorneys is available at https://charter.support/resources/attorney-contacts/.

Special thanks to Melissa M. Gross-Arnold Esq., B.C.S. for her assistance in developing the list of statutes and administrative rules to include in this handbook.

Disclaimer

The Florida Charter Support Unit [CSU] is an advisory service and is designed to provide support and advice to Florida's Public Charter Schools. The advice and services provided by the CSU are provided as informational only and should not be considered legal or definitive answers. If your school is facing the requirements of a school improvement plan or a corrective action plan, we recommend reading the actual administrative rule found at the link provided at the start of this document.

Contents

Charter School Specific Statutes

Charter School Statutes · 1002.33 Florida Statutes

Effective July 1, 2021

This is the main statute with regards to charter schools in the state.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.33.html

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 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.—

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

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.
2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.
3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

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

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.
2. Provide rigorous competition within the public school system 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.

(3) APPLICATION FOR CHARTER STATUS.—

(a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

(b) An application for a conversion charter school shall be made by the district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert. A public school-within-a-school that is designated as a school by the district school board may also submit an application to convert to charter status. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education. A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 10 days after the meeting at which the district school board denied the application. The notice must articulate in writing the specific reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program shall not be eligible for charter school status.

(4) UNLAWFUL REPRISAL.—

(a) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in workforce as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal that occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after the date upon which a reprisal prohibited by this subsection is alleged to have occurred, an

employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.
3. If the Department of Education determines that the complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the Department of Education shall conduct an investigation to produce a fact-finding report.
4. Within 90 days after receiving the complaint, the Department of Education shall provide the district school superintendent of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.
5. If the Department of Education determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Department of Education shall terminate the investigation. Upon termination of any investigation, the Department of Education shall notify the complainant and the district school superintendent of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.
6. The Department of Education shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the Department of Education determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel of impartial persons. Upon hearing the complaint, the panel shall make findings of fact and conclusions of law for a final decision by the Department of Education.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(b) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief shall include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.
2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.
3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.
4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.
5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.
6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome of the complaint, if it is determined that the action was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee that includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(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 applications received during the school year and up to August 1 and each applicant's contact information.

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

(C) The date each final contract was executed.

(II) Annually, by November 1, 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, and post the report on its website by January 15 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 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 charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. 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:

(a) A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.
7. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.
8. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(d).

(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 for charter schools to be opened at a time determined by the applicant. 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. 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.

(c)

1. An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the sponsor's decision or failure to act and shall notify the sponsor of its appeal. Any response of the sponsor shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board at least 7 calendar days before the date on which the appeal is to be heard.
2. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant shall have 15 calendar days after notice of rejection in which to resubmit an appeal that meets the requirements set forth in State Board of Education rule. An appeal submitted subsequent to such rejection is considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the sponsor's denial of the charter application.

3.a. The State Board of Education shall by majority vote accept or reject the decision of the sponsor no later than 90 calendar days after an appeal is filed in accordance with State Board of Education rule. The State Board of Education shall remand the application to the sponsor with its written decision that the sponsor approve or deny the application. The sponsor shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act, chapter 120.

b. If an appeal concerns 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, the State Board of Education shall determine whether the sponsor's denial was in accordance with sub-subparagraph (b)3.b.

(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.

(e)

1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charter applications have been denied, whose charter contracts have not been renewed, or whose charter contracts have been terminated by their sponsors.
2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the Charter School Appeal Commission is not subject to the provisions of the Administrative Procedure Act, chapter 120.
3. The commissioner shall appoint a number of members to the Charter School Appeal Commission sufficient to ensure that no potential conflict of interest exists for any commission appeal decision. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. Of the members hearing the appeal, one-half must represent currently operating charter schools and one-half must represent sponsors. The commissioner or a named designee shall chair the Charter School Appeal Commission.
4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases where the commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.
5. Commission members shall thoroughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and

procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

(f)

1. The Department of Education shall provide or arrange for training and technical assistance to charter schools in developing and adjusting business plans and accounting for costs and income. Training and technical assistance shall also address, at a minimum, state and federal grant and student performance accountability reporting requirements and provide assistance in identifying and applying for the types and amounts of state and federal financial assistance the charter school may be eligible to receive. The department may provide other technical assistance to an applicant upon written request.
2. A charter school applicant must participate in the training provided by the Department of Education after approval of an application but at least 30 calendar days before the first day of classes at the charter school. However, a sponsor may require the charter school applicant to attend training provided by the sponsor in lieu of the department's training if the sponsor's training standards meet or exceed the standards developed by the department. In such case, the sponsor may not require the charter school applicant to attend the training within 30 calendar days before the first day of classes at the charter school. The training must include instruction in accurate financial planning and good business practices. If the applicant is a management company or a nonprofit organization, the charter school principal and the chief financial officer or his or her equivalent must also participate in the training. A sponsor may not require a high-performing charter school or high-performing charter school system applicant to participate in the training described in this subparagraph more than once.

(g) In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(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 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.
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. 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. 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 against whom the administrative law judge rules.

(c)

1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) has been documented. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.
2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. shall be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in 3 of the past 4 years and is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(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 as a consolidation.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o).

(f) A charter may include a provision requiring the charter school to be held responsible for all costs associated with, but not limited to, mediation, damages, and attorney fees incurred by the district in connection with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

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

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

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.
2. Failure to meet generally accepted standards of fiscal management.
3. Material violation of law.
4. Other good cause shown.

(b) At least 90 days before renewing, nonrenewing, or terminating a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals. The charter school's governing board may, within 30 calendar days after receiving the final order, appeal the decision pursuant to s. 120.68.

(c) A charter may be terminated immediately if the sponsor sets forth in writing the particular facts and circumstances demonstrating 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. 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. 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 continued operation would materially threaten the health, safety, or welfare of the students.

(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 property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the sponsor, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, 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 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 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 and the governing body of the school and that may not reasonably be assumed to have been satisfied by the sponsor.

(f) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(9) CHARTER SCHOOL REQUIREMENTS.—

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) A charter school shall admit students as provided in subsection (10).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (7).

(d) A charter school shall not charge tuition or registration fees, except those fees normally charged by other public schools. However, a charter lab school may charge a student activity and service fee as authorized by s. 1002.32(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 1000.05.

(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 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.

(h) The governing board of the charter school shall annually adopt and maintain an operating budget.

(i) The governing body of the charter school shall exercise continuing oversight over charter school operations.

(j) The governing body of the charter school shall be responsible for:

1. Establishing and maintaining internal controls designed to:
   a. Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).
   b. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.
   c. Support economical and efficient operations.
   d. Ensure reliability of financial records and reports.
   e. Safeguard assets.
2. Ensuring that the charter school has retained the services of a certified public accountant or auditor for the annual financial audit, pursuant to s. 1002.345(2), who shall submit the report to the governing body.
3. Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.
4.
   a. Performing the duties in s. 1002.345, including monitoring a corrective action plan.
   b. Monitoring a financial recovery plan in order to ensure compliance.
5. Participating in governance training approved by the department which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.

(k) The governing body of the charter school shall report its progress annually to its sponsor, which shall forward the report to the Commissioner of Education at the same time as other annual school accountability reports. The Department of Education shall develop a uniform, online annual accountability report to be completed by charter schools. This report shall be easy to utilize and contain demographic information, student performance data, and financial accountability information. A charter school shall not be required to provide information and data that is duplicative and already in the possession of the department. The Department of Education shall include in its compilation a notation if a school failed to file its report by the deadline established by the department. The report shall include at least the following components:

1. Student achievement performance data, including the information required for the annual school report and the education accountability system governed by ss. 1008.31 and 1008.345. Charter schools are subject to the same accountability requirements as other public schools, including reports of student achievement information that links baseline student data to the school's performance projections identified in the charter. The charter school shall identify reasons for any difference between projected and actual student performance.
2. Financial status of the charter school which must include revenues and expenditures at a level of detail that allows for analysis of the charter school's ability to meet financial obligations and timely repayment of debt.
3. Documentation of the facilities in current use and any planned facilities for use by the charter school for instruction of students, administrative functions, or investment purposes.
4. Descriptive information about the charter school's personnel, including salary and benefit levels of charter school employees, the proportion of instructional personnel who hold professional or temporary certificates, and the proportion of instructional personnel teaching in-field or out-of-field.

(l) A charter school shall not levy taxes or issue bonds secured by tax revenues.

(m) A charter school shall provide instruction for at least the number of days required by law for other public schools and may provide instruction for additional days.

(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 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).

(o)

1. Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than $10,000 per expenditure without prior written approval from the sponsor unless such expenditure was included within the annual budget submitted to the sponsor pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.
2. An independent audit shall be completed within 30 days after notice of nonrenewal, closure, or termination to account for all public funds and assets.
3. A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.
4. A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with its sponsor.
5. A violation of this paragraph triggers a reversion or clawback power by the sponsor allowing for collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

(p)

1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.
2. Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website. The sponsor may not require governing board members to reside in the school district in which the charter school is located if the charter school complies with this subparagraph.
3. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting. Members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(q)

1. The charter school principal or the principal's designee shall make a reasonable attempt to notify the parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to s. 394.463. For purposes of this subparagraph, "a reasonable attempt to notify" means the exercise of reasonable diligence and care by the principal or the principal's designee to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal's designee must take the following actions:
   a. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact, including, but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.
   b. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

   A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.

2. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed if:
   a. The principal or the principal's designee deems the delay to be in the student's best interest and a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or

b. The principal or the principal's designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

3. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463.

Each charter school governing board shall develop a policy and procedures for notification under this paragraph.

(r)

1. Parents of charter school students have a right to timely notification of threats, unlawful acts, and significant emergencies pursuant to s. 1006.07(4) and (7).
2. Parents of charter school students have a right to access school safety and discipline incidents as reported pursuant to s. 1006.07(9).

(10) ELIGIBLE STUDENTS.—

(a) A charter school may be exempt from the requirements of s. 1002.31 if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located. However, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school. The district school board shall consult and negotiate with the conversion charter school every 3 years to determine whether realignment of the conversion charter school's attendance zone is appropriate in order to ensure that students residing closest to the charter school are provided with an enrollment preference.

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

1. Students who are siblings of a student enrolled in the charter school.
2. Students who are the children of a member of the governing board of the charter school.
3. Students who are the children of an employee of the charter school.
4. Students who are the children of:

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

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

5. Students who have successfully completed, during the previous year, a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school, the charter school's governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board.
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 nearby public schools.
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 school facilities and related property in an amount equal to or having a total appraised value of at least $5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. 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 be filled in accordance with subparagraph 4.

(f) Students with disabilities and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(g) A student may withdraw from a charter school at any time and enroll in another public school as determined by district school board rule.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) as a condition of approval or renewal of a charter.

(i) The capacity of a high-performing charter school identified pursuant to s. 1002.331 shall be determined annually by the governing board of the charter school. The governing board shall notify the sponsor of any increase in enrollment by March 1 of the school year preceding the increase. A sponsor may not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.—

A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

(12) EMPLOYEES OF CHARTER SCHOOLS.—

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school and on leave that is approved by the district school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a district school board from approving alternative leave arrangements consistent with chapter 1012.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 1012. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 1012, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g)

1. A charter school shall employ or contract with employees who have undergone background screening as provided in s. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in s. 1012.32. An individual may not be employed as an employee or contract personnel of a charter school or serve as a member of a charter school governing board if the individual is on the disqualification list maintained by the department pursuant to s. 1001.10(4)(b).
2. A charter school shall prohibit educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the employees, personnel, or administrators are ineligible for such employment under s. 1012.315 or have been terminated or 1have resigned in lieu of termination for sexual misconduct with a student. If the prohibited conduct occurs while employed, a charter school must report the individual and the disqualifying circumstances to the department for inclusion on the disqualification list maintained pursuant to s. 1001.10(4)(b).
3. The governing board of a charter school shall adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators. The policies must require all educational support employees, instructional personnel, and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of educational support employees, instructional personnel, and school administrators to report, and procedures for reporting, alleged misconduct that affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional personnel, or school administrators, or employees, personnel, or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide employees, personnel, or administrators with employment references or discuss the employees', personnel's, or administrators' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.
4. Before employing an individual in any position that requires direct contact with students, a charter school shall conduct

employment history checks of each individual through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

5. The sponsor of a charter school that knowingly fails to comply with this paragraph shall terminate the charter under subsection (8).

(h) For the purposes of tort liability, the charter school, including its governing body and employees, shall be governed by s. 768.28. This paragraph does not include any for-profit entity contracted by the charter school or its governing body.

(i) A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(13) CHARTER SCHOOL COOPERATIVES.—

Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide services to further educational, operational, and administrative initiatives in which the participating charter schools share common interests.

(14) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SPONSOR; 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 shall indemnify the state and the sponsor 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 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 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 pursuant to this section.

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

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers and municipal-operated schools through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation 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. Any portion of a 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.

(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, 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.

(d) As used in this subsection, the terms "business partner" or "municipality" may include more than one business or municipality to form a charter school-in-the-workplace or charter school-in-a-municipality.

(16) EXEMPTION FROM STATUTES.—

(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:

1. Those statutes specifically applying to charter schools, including this section.
2. Those statutes pertaining to the student assessment program and school grading system.
3. Those statutes pertaining to the provision of services to students with disabilities.
4. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.
5. Those statutes pertaining to student health, safety, and welfare.

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

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
8. Section 1006.12, relating to safe-school officers.
9. Section 1006.07(7), relating to threat assessment teams.
10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.
11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.
13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

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

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

1. The duties assigned to a district school superintendent apply to charter school administrative personnel, as defined in s. 1012.01(3)(a) and (b), and the charter school governing board shall designate at least one administrative person to be responsible for such duties.
2. The duties assigned to a district school board apply to a charter school governing board.
3. A charter school may hire instructional personnel and other employees on an at-will basis.
4. Notwithstanding any provision to the contrary, instructional personnel and other employees on contract may be suspended or dismissed any time during the term of the contract without cause.

(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 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 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 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 evidence-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 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 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 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 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, the sponsor 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.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

(b) A charter school shall use facilities that comply with the Florida Fire Prevention Code, pursuant to s. 633.208, as adopted by the authority in whose jurisdiction the facility is located as provided in paragraph (a).

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80; fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for special benefits.

(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 may not sell or dispose of such property without written permission of the sponsor. 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.

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if

the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units.

(g) Each school district shall annually provide to the Department of Education as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year. The department may recommend that a district make such space available to an appropriate charter school.

(19) CAPITAL OUTLAY FUNDING.—

Charter schools are eligible for capital outlay funds pursuant to ss. 1011.71(2) and 1013.62. Capital outlay funds authorized in ss. 1011.71(2) and 1013.62 which have been shared with a charter school-in-the-workplace prior to July 1, 2010, are deemed to have met the authorized expenditure requirements for such funds.

(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 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 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, they shall be provided to the charter school at a rate no greater than the sponsor'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 against whom the administrative law judge rules. To maximize the use of state funds, sponsors 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, 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 in accordance with this section. The department shall compile the results, by sponsor, and include the results in the report required under sub-sub-subparagraph (5)(b)1.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 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, 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.

(22) FACILITIES SHARED BY CHARTER SCHOOLS.—

(a) If a charter school moves out of a facility that is shared with another charter school having a separate Master School Identification Number, the charter school must provide for an audit of all equipment, educational materials and supplies, curriculum materials, and other items purchased or developed with federal charter school program grant funds, and such items must be transferred to the charter school's new location. The audit report must be submitted to the Department of Education within 60 days after completion.

(b) A charter school may not transfer an enrolled student to another charter school having a separate Master School Identification Number without first obtaining the written approval of the student's parent.

(23) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.—

Upon receipt of the annual report required by paragraph (9)(k), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the Governor, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the statewide assessment program, versus comparable public school students in the district as determined by the statewide assessment program currently administered in the school district, and other assessments administered pursuant to s. 1008.22(3).

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

(a) This subsection applies to charter school personnel in a charter school operated by a private entity. As used in this subsection, the term:

1. "Charter school personnel" means a 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 and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.
2. "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.

(b) Charter school personnel may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control any individual who is a relative. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member.

(c) The approval of budgets does not constitute "jurisdiction or control" for the purposes of this subsection.

Charter school personnel in schools operated by a municipality or other public entity are subject to s. 112.3135.

(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 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 state; and
3. Has the same governing board.

(b) A charter school system's governing board may be designated a local educational agency for the purpose of receiving federal funds for all schools within a school district that are established pursuant to s. 1008.33 and are under the jurisdiction of the governing board. The governing board must adopt and file a resolution with its sponsoring district school board and the Department of Education and accept full responsibility for all local educational agency requirements.

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

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(a) A member of a governing board of a charter school, including a charter school operated by a private entity, is subject to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

(b) A member of a governing board of a charter school operated by a municipality or other public entity is subject to s. 112.3145, which relates to the disclosure of financial interests.

(c) An employee of the charter school, or his or her spouse, or an employee of a charter management organization, or his or her spouse, may not be a member of the governing board of the charter school.

(27) MILITARY INSTALLATIONS.—

(a) The Legislature finds that military families face unique challenges due to the highly mobile nature of military service. Among the many challenges that military families face is providing a high-quality education for their children without disruption. The state has a compelling interest in assisting the development and enhancement of learning opportunities for military children and addressing their unique needs.

(b) It is the intent of the Legislature that a framework be established to address the needs of military children who, along with their families, face unique challenges due to the highly mobile nature of military service. In establishing this framework, military installation commanders are encouraged to collaboratively work with the Commissioner of Education to increase military family student achievement, which may include the establishment of charter schools on military installations. Although the State Board of Education, through the Commissioner of Education, shall supervise this collaboration, the applicable school district shall operate and maintain control over any school that is established on the military installation.

(28) RULEMAKING.—

The Department of Education, after consultation with sponsors 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.

High-performing charter schools. • 1002.331 Florida Statutes

Effective July 1, 2021

1002.331 defines the processes involved with becoming a high performing charter school.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.311.html

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.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

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

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

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

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

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

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)

(a)

1. A high-performing charter school may submit an application pursuant to s. 1002.33(6) in any school district in the state to establish and operate a new charter school that will substantially replicate its educational program. An application submitted by a high-performing charter school must state that the application is being submitted pursuant to this paragraph and must include the verification letter provided by the Commissioner of Education pursuant to subsection (4).
2. If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) applies.

(b) A high-performing charter school may submit two applications for a charter school to be opened within this state under paragraph (a) at a time determined by the high-performing charter school. 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. However, a high-performing charter school may establish more than one charter school within this 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.

(4) The Commissioner of Education, upon request by a charter school, shall verify that the charter school meets the criteria in subsection (1) and provide a letter to the charter school and the sponsor stating that the charter school is a high-performing charter school pursuant to this section. The commissioner shall annually determine whether a high-performing charter school under subsection (1) continues to meet the criteria in that subsection. Such high-performing charter school shall maintain its high-performing status unless the commissioner determines that the charter school no longer meets the criteria in subsection (1), at which time the commissioner shall send a letter providing notification of its declassification as a high-performing charter school.

(5) A high-performing charter school replicated under this section may not be replicated as a virtual charter school.

High Performing Charter School Systems · 1002.332 Florida Statutes

Effective July 1, 2017

1002.332 defines the processes involved with becoming a high performing charter school system.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.332.html

1002.332 High-performing charter school system.—

(1) For purposes of this section, the term:

(a) "Entity" means a municipality or other public entity that is authorized by law to operate a charter school; a private, nonprofit corporation with tax-exempt status under s. 501(c)(3) of the Internal Revenue Code; or a private, for-profit education management corporation.

(b) "High-performing charter school system" means an entity that:

1. Operated at least three high-performing charter schools in the state during each of the previous 3 school years;
2. Operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools pursuant to s. 1002.331 and no charter school earned a school grade of "D" or "F" pursuant to s. 1008.34 in any of the previous 3 school years regardless of whether the entity currently operates the charter school, except that:

a. If the entity assumed operation of a public school pursuant to s. 1008.33(4)(b)2. with a school grade of "F," that school's grade may not be considered in determining high-performing charter school system status for a period of 3 years.

b. If the entity established a new charter school that served a student population the majority of which resided in a school zone served by a public school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34, that charter school's grade may not be considered in determining high-performing charter school system status if it attained and maintained a school grade that was higher than that of the public school serving that school zone within 3 years after establishment; and

3. Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity in the most recent 3 fiscal years for which such audits are available.

(2)

(a) The Commissioner of Education shall verify all charter schools served by an entity and verify that the entity meets the criteria in this section for the previous school year and provide a letter to the entity stating that it is a high-performing charter school system.

1. As part of the commissioner's verification, the entity shall identify all charter schools in this state which the entity has

operated or provided services for the previous 3 years, regardless of whether the entity currently operates or provides services for the charter school. For all such charter schools that the entity no longer operates, the entity shall identify the reasons the entity terminated the operation or services or grounds stated by the charter school's governing board in terminating the operation or services of the entity.

2. The commissioner shall annually determine whether a high-performing charter school system continues to meet the criteria in this section. A high-performing charter school system shall maintain its high-performing status unless the commissioner determines that the charter school system no longer meets the criteria in this section, at which time the commissioner shall send a letter providing notification of its declassification as a high-performing charter school system.

(b) A high-performing charter school system may replicate its high-performing charter schools in any school district in the state. The applicant must submit an application using the standard application form prepared by the Department of Education which:

1. Contains goals and objectives for improving student learning and a process for measuring student improvement. These goals and objectives must indicate how much academic improvement students are expected to demonstrate each year, how success will be evaluated, and the specific results to be attained through instruction.
2. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenue and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
3. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider when deciding whether to approve or deny the application.

(c) An application submitted by a high-performing charter school system must state that the application is being submitted pursuant to this section and must include the verification letter provided by the Commissioner of Education pursuant to this subsection. If the sponsor fails to act on the application within 90 days after receipt, the application is deemed approved and the procedure in s. 1002.33(7) applies.

Persistently Low-Performing Schools • 1002.333

Effective July 1, 2018

1002.34 defines a charter technical career center.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.34.html

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—

As used in this section, the term:

(a) "Florida Opportunity Zone" means a population census tract that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code.

(b) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(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.

(d) "School of hope" means:

1. A charter school operated by a hope operator which:
   a. Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;
   b. Is located in a Florida Opportunity Zone or in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and
   c. Is a Title I eligible school; or
2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.

(2) HOPE OPERATOR.—

A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;
2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;
3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;
4. The operator is in good standing with the authorizer in each state in which it operates;
5. The audited financial statements of the operator are free of material misstatements and going concern issues; and
6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3., shall be designated as a hope operator if it meets the criteria of paragraph (a).

(3) DESIGNATION OF HOPE OPERATOR.—

Initial status as a hope operator is valid for 5 years from the opening of a school of hope. If a hope operator seeks the renewal of its status, such renewal shall solely be based upon the academic and financial performance of all schools established by the operator in the state since its initial designation.

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—

A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10) or in which a Florida Opportunity Zone is located.

(a) The notice of intent must include:

1. An academic focus and plan.
2. A financial plan.
3. Goals and objectives for increasing student achievement for the students from low-income families.
4. A completed or planned community outreach plan.
5. The organizational history of success in working with students with similar demographics.
6. The grade levels to be served and enrollment projections.
7. The proposed location or geographic area proposed for the school consistent with the requirements of sub-subparagraphs (1)(d)1.a. and b.
8. A staffing plan.

(b) Notwithstanding the requirements of s. 1002.33, a school district shall enter into a performance-based agreement with a hope operator to open schools to serve students from persistently low-performing schools and students residing in a Florida Opportunity Zone.

(5) PERFORMANCE-BASED AGREEMENT.—

The following shall comprise the entirety of the performance-based agreement:

(a) The notice of intent, which is incorporated by reference and attached to the agreement.

(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school, as applicable.

(c) An enumeration of the grades to be served in each year of the agreement and whether the school will serve children in the school readiness or prekindergarten programs.

(d) A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools and students residing in a Florida Opportunity Zone, including enrollment preferences and procedures for conducting transparent admissions lotteries that are open to the public. Students from persistently low-performing schools and students residing in a Florida Opportunity Zone shall be exempt from any enrollment lottery to the extent permitted by federal grant requirements.

(e) A delineation of the current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.

(f) A description of the methods of involving parents and expected levels for such involvement.

(g) The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (e), generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) A provision allowing the hope operator to open additional schools to serve students enrolled in or zoned for a persistently low-performing school and students residing in a Florida Opportunity Zone if the hope operator maintains its status under subsection (3).

(i) A provision establishing the initial term as 5 years. The agreement shall be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (e) or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(j) A requirement to provide transportation consistent with the requirements of ss. 1006.21-1006.27 and s. 1012.45. The governing body of the school of hope may provide transportation through an agreement or contract with the district school board, a private provider, or parents of enrolled students. Transportation may not be a barrier to equal access for all students residing within reasonable distance of the school.

(k) A requirement that any arrangement entered into to borrow or otherwise secure funds for the school of hope from a source other than the state or a school district shall indemnify the state and the school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest.

(l) A provision that any loans, bonds, or other financial agreements are not obligations of the state or the school district but are obligations of the school of hope and are payable solely from the sources of funds pledged by such agreement.

(m) A prohibition on the pledge of credit or taxing power of the state or the school district.

(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).

(b) For the purposes of tort liability, the hope operator, the school of hope, and its employees or agents shall be governed by s. 768.28. The sponsor shall not be liable for civil damages under state law for the employment actions or personal injury, property damage, or death resulting from an act or omission of a hope operator, the school of hope, or its employees or agents. This paragraph does not include any for-profit entity contracted by the charter school or its governing body.

(c) A school of hope may be either a private or a public employer. As a public employer, the school of hope may participate in the Florida Retirement System upon application and approval as a covered group under s. 121.021(34). If a school of hope participates in the

Florida Retirement System, the school of hope's employees shall be compulsory members of the Florida Retirement System.

(d) A hope operator may employ school administrators and instructional personnel who do not meet the requirements of s. 1012.56 if the school administrators and instructional personnel are not ineligible for such employment under s. 1012.315.

(e) Compliance with s. 1003.03 shall be calculated as the average at the school level.

(f) Schools of hope operated by a hope operator shall be exempt from chapters 1000-1013 and all school board policies. However, a hope operator shall be in compliance with the laws in chapters 1000-1013 relating to:

1. The student assessment program and school grading system.
2. Student progression and graduation.
3. The provision of services to students with disabilities.
4. Civil rights, including s. 1000.05, relating to discrimination.
5. Student health, safety, and welfare.
6. Public meetings and records, public inspection, and criminal and civil penalties pursuant to s. 286.011. The governing board of a school of hope must hold at least two public meetings per school year in the school district in which the school of hope is located. Any other meetings of the governing board may be held in accordance with s. 120.54(5)(b)2.
7. Public records pursuant to chapter 119.
8. The code of ethics for public officers and employees pursuant to ss. 112.313(2), (3), (7), and (12) and 112.3143(3).

(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.—

(a) A school of hope shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(b) Any facility, or portion thereof, used to house a school of hope shall be exempt from ad valorem taxes pursuant to s. 196.1983. Library, community service, museum, performing arts, theatre, cinema, church, Florida College System institution, college, and university facilities may provide space to schools of hope within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

(c) School of hope facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80; fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for special benefits.

(d) No later than January 1, the department shall annually provide to school districts 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.

(8) NONCOMPLIANCE.—

A school district that does not enter into a performance-based agreement within 60 days after receipt of a notice of intent shall reduce the administrative fees withheld pursuant to s. 1002.33(20) to 1 percent for all charter schools operating in the school district. Upon execution of the performance-based agreement, the school district 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 subsection may recover attorney fees and costs to enforce the requirements of this

subsection. A school district subject to the requirements of this section shall file a monthly report detailing the reduction in the amount of administrative fees withheld.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope are eligible to receive funds from the Schools of Hope Program.

(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 sub-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).

(10) SCHOOLS OF HOPE PROGRAM.—

The Schools of Hope Program is created within the Department of Education.

(a) A school of hope is eligible to receive funds from the Schools of Hope Program for the following expenditures:

1. Preparing teachers, school leaders, and specialized instructional support personnel, including costs associated with:
   a. Providing professional development.
   b. Hiring and compensating teachers, school leaders, and specialized instructional support personnel for services until the school reaches full enrollment in accordance with the performance-based agreement pursuant to subsection (5).
2. Acquiring supplies, training, equipment, and educational materials, including developing and acquiring instructional materials.
3. Providing one-time startup costs associated with providing transportation to students to and from the charter school.
4. Carrying out community engagement activities, which may include paying the cost of student and staff recruitment.
5. Providing funds to cover the nonvoted ad valorem millage that would otherwise be required for schools and the required local effort funds calculated pursuant to s. 1011.62 when the state board enters into an agreement with a hope operator pursuant to subsection (5).
6. Providing funds for the initial leasing costs of a school facility in the event the department determines that a suitable district-owned facility is unavailable or not leased in a timely manner pursuant to paragraph (7)(d).

In the event a school of hope is dissolved or is otherwise terminated, all property, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the school of hope, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the school of hope, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the district school board's request, until any appeal status is resolved.

(b) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

(11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.—

Pursuant to Art. IX of the State Constitution, which prescribes the duty of the State Board of Education to supervise the public school system, the State Board of Education shall:

(a) Publish an annual list of persistently low-performing schools after the release of preliminary school grades.

(b) Adopt a standard notice of intent and performance-based agreement that must be used by hope operators and district school boards to eliminate regulatory and bureaucratic barriers that delay access to high quality schools for students in persistently low-performing schools and students residing in Florida Opportunity Zones.

(c) Resolve disputes between a hope operator and a school district arising from a performance-based agreement or a contract between a charter operator and a school district under the requirements of s. 1008.33. The Commissioner of Education shall appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall hold hearings to determine facts relating to the dispute and to render a recommended decision for resolution to the State Board of Education. The recommendation may not alter in any way the provisions of the performance-based agreement under subsection (5). The special magistrate may administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the final hearing, the special magistrate shall transmit a recommended decision to the State Board of Education and to the representatives of both parties by registered mail, return receipt requested. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The decision by the State Board of Education is a final agency action that may be appealed to the District Court of Appeal, First District in accordance with s. 120.68. A charter school may recover attorney fees and costs if the State Board of Education determines that the school district unlawfully implemented or otherwise impeded implementation of the performance-based agreement pursuant to this paragraph.

(d) Provide students in persistently low-performing schools and students residing in Florida Opportunity Zones with a public school that meets accountability standards. The State Board of Education may enter into a performance-based agreement with a hope operator when a school district has not improved the school after 3 years of the interventions and support provided under s. 1008.33 or has not complied with the requirements of subsection (4). Upon the State Board of Education entering into a performance-based agreement with a hope operator, the school district shall transfer to the school of hope the proportionate share of state funds allocated from the Florida Education Finance Program.

(12) RULES.—

The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Charter Technical Career Centers • 1002.34

Effective July 1, 2021

1002.34 defines a charter technical career center.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.34.html

1002.34 Charter technical career centers.—

(1) AUTHORIZATION.—

The Legislature finds that the establishment of charter technical career centers can assist in promoting advances and innovations in workforce preparation and economic development. A charter technical career center may provide a learning environment that better serves the needs of a specific population group or a group of occupations, thus promoting diversity and choices within the public education and public postsecondary technical education community in this state. Therefore, the creation of such centers is authorized as part of the state's program of public education. A charter technical career center may be formed by creating a new school or converting an existing school district or Florida College System institution program to charter technical status.

(2) PURPOSE.—

The purpose of a charter technical career center is to:

(a) Develop a competitive workforce to support local business and industry and economic development.

(b) Create a training and education model that is reflective of marketplace realities.

(c) Offer a continuum of career educational opportunities using a school-to-work, tech-prep, technical, academy, and magnet school model.

(d) Provide career pathways for lifelong learning and career mobility.

(e) Enhance career and technical training.

(3) DEFINITIONS.—

As used in this section, the term:

(a) "Charter technical career center" or "center" means a public school or a public technical center operated under a charter granted by a district school board or Florida College System institution board of trustees or a consortium, including one or more district school boards and Florida College System institution boards of trustees, that includes the district in which the facility is located, that is nonsectarian in its programs, admission policies, employment practices, and operations, and is managed by a board of directors.

(b) "Sponsor" means a district school board, a Florida College System institution board of trustees, or a consortium of one or more of each.

(4) CHARTER.—

A sponsor may designate centers as provided in this section. An application to establish a center may be submitted by a sponsor or another organization that is determined, by rule of the State Board of Education, to be appropriate. However, an independent school is not eligible for status as a center. The charter must be signed by the governing body of the center and the sponsor and must be approved by the district school board and Florida College System institution board of trustees in whose geographic region the facility is located. If a charter technical career center is established by the conversion to charter status of a public technical center formerly governed by a district school board, the charter status of that center takes precedence in any question of governance. The governance of the center or of any program within the center remains with its board of directors unless the board agrees to a change in governance or its charter is revoked as provided in subsection (15). Such a conversion charter technical career center is not affected by a change in the governance of public technical centers or of programs within other centers that are or have been governed by district school boards. A charter technical career center, or any program within such a center, that was governed by a district school board and transferred to a Florida College System institution prior to the effective date of this act is not affected by this provision. An applicant who wishes to establish a center must submit to the district school board or Florida College System institution board of trustees, or a consortium of one or more of each, an application on a form developed by the Department of Education which includes:

(a) The name of the proposed center.

(b) The proposed structure of the center, including a list of proposed members of the board of directors or a description of the qualifications for and method of their appointment or election.

(c) The workforce development goals of the center, the curriculum to be offered, and the outcomes and the methods of assessing the extent to which the outcomes are met.

(d) The admissions policy and criteria for evaluating the admission of students.

(e) A description of the staff responsibilities and the proposed qualifications of the teaching staff.

(f) A description of the procedures to be implemented to ensure significant involvement of representatives of business and industry in the operation of the center.

(g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282 and for completion of a postsecondary certificate or degree.

(h) A method for granting secondary and postsecondary diplomas, certificates, and degrees.

(i) A description of and address for the physical facility in which the center will be located.

(j) A method for resolving conflicts between the governing body of the center and the sponsor and between consortium members, if applicable.

(k) A method for reporting student data as required by law and rule.

(l) A statement that the applicant has participated in the training provided by the Department of Education.

(m) The identity of all relatives employed by the charter technical career center who are related to the center owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the center who has equivalent decisionmaking authority. As used in this paragraph, 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.

(n) Other information required by the district school board or Florida College System institution board of trustees.

Students at a center must meet the same testing and academic performance standards as those established by law and rule for students at public schools and public technical centers. The students must also meet any additional assessment indicators that are included within the charter approved by the district school board or Florida College System institution board of trustees.

(5) APPLICATION.—

An application to establish a center must be submitted by February 1 of the year preceding the school year in which the center will begin operation. The sponsor must review the application using an evaluation instrument developed by the Department of Education and make a final decision on whether to approve the application and grant the charter by March 1, and may condition the granting of a charter on the center's taking certain actions or maintaining certain conditions. Such actions and conditions must be provided to the applicant in writing. The district school board or Florida College System institution board of trustees is not required to issue a charter to any person.

(6) SPONSOR.—

A district school board or Florida College System institution board of trustees or a consortium of one or more of each may sponsor a center in the county in which the board has jurisdiction.

(a) A sponsor must review all applications for centers received through at least February 1 of each calendar year for centers to be opened at the beginning of the sponsor's next school year. A sponsor may receive applications later than this date if it so chooses. 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 applications after the FTE projection deadline. A sponsor must, by a majority vote, approve or deny an application no later than 60 days after the application is received. If an application is denied, the sponsor must, within 10 days, notify the applicant in writing of the specific reasons for denial, which must be based upon good cause. Upon approval of a charter application, the initial startup must be consistent with the beginning of the public school or Florida College System institution calendar for the district in which the charter is granted, unless the sponsor allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of its application to the State Board of Education within 30 days after the sponsor's denial and shall notify the sponsor of its appeal. Any response of the sponsor must be submitted to the state board within 30 days after notification of the appeal. The State Board of Education must, by majority vote, accept or reject the decision of the sponsor no later than 60 days after an appeal is filed, pursuant to State Board of Education rule. The State Board of Education may reject an appeal for failure to comply with procedural rules governing the appeals process, and the rejection must describe the submission errors. The appellant may have up to 15 days after notice of rejection to resubmit an appeal. An application for appeal submitted after a rejection is timely if the original appeal was filed within 30 days after the sponsor's denial. The State Board of Education shall remand the application to the sponsor with a written recommendation that the sponsor approve or deny the application, consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of chapter 120.

(c) The sponsor must act upon the recommendation of the State Board of Education within 30 days after it is received, unless the sponsor determines by competent substantial evidence that approving the state board's recommendation would be contrary to law or the best interests of the students or the community. The sponsor must notify the applicant in writing concerning the specific reasons for its failure to follow the state board's recommendation. The sponsor's action on the state board's recommendation is a final action, subject to judicial review.

(d)

1. The Department of Education shall offer or arrange for training and technical assistance to centers which must include developing and amending business plans, estimating and accounting for costs and income, complying with state and federal grant and student performance accountability reporting requirements, implementing good business practices, and identifying state and federal financial aid the center may be eligible to receive.
2. An applicant must participate in the training provided by the department after approval of its application but at least 30 days before the first day of classes at the center. The department may provide technical assistance to an applicant upon written request.

(e) The terms and conditions for the operation of a center must be agreed to by the sponsor and the applicant in a written contract. The sponsor may not impose unreasonable requirements that violate the intent of giving centers greater flexibility to meet educational goals. The applicant and sponsor must reach an agreement on the provisions of the contract or the application is deemed denied.

(f) The sponsor shall monitor and review the center's progress toward charter goals and shall monitor the center's revenues and expenditures. The sponsor shall perform the duties provided in s. 1002.345.

(7) LEGAL ENTITY.—

A center must organize as a nonprofit organization and adopt a name and corporate seal. A center is a body corporate and politic, with all powers to implement its charter program. The center may:

(a) Be a private or a public employer.

(b) Sue and be sued, but only to the same extent and upon the same conditions that a public entity can be sued.

(c) Acquire real property by purchase, lease, lease with an option to purchase, or gift, to use as a center facility.

(d) Receive and disburse funds.

(e) Enter into contracts or leases for services, equipment, or supplies.

(f) Incur temporary debts in anticipation of the receipt of funds.

(g) Solicit and accept gifts or grants for career center purposes.

(h) Take any other action that is not inconsistent with this section and rules adopted under this section.

(8) ELIGIBLE STUDENTS.—

A center must be open to all students as space is available and may not discriminate in admissions policies or practices on the basis of an individual's physical disability or proficiency in English or on any other basis that would be unlawful if practiced by a public school or a Florida College System institution. A center may establish reasonable criteria by which to evaluate prospective students, which criteria must be outlined in the charter.

(9) FACILITIES.—

A center may be located in any suitable location, including part of an existing public school or Florida College System institution building, space provided on a public worksite, or a public building. A center's facilities must comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37, or with applicable state minimum building codes pursuant to chapter

553, and state minimum fire protection codes pursuant to s. 633.208, adopted by the authority in whose jurisdiction the facility is located. If K-12 public school funds are used for construction, the facility must remain on the local school district's Florida Inventory of School Houses (FISH) school building inventory of the district school board and must revert to the district school board if the consortium dissolves and the program is discontinued. If Florida College System institution public school funds are used for construction, the facility must remain on the local Florida College System institution's facilities inventory and must revert to the local Florida College System institution board of trustees if the consortium dissolves and the program is discontinued. The additional student capacity created by the addition of the center to the local school district's FISH may not be calculated in the permanent student capacity for the purpose of determining need or eligibility for state capital outlay funds while the facility is used as a center. If the construction of the center is funded jointly by K-12 public school funds and Florida College System institution funds, the sponsoring entities must agree, before granting the charter, on the appropriate owner and terms of transfer of the facility if the charter is dissolved.

(10) EXEMPTION FROM STATUTES.—

(a) A center must operate pursuant to its charter and is exempt from all statutes of the Florida School Code except provisions pertaining to civil rights and to student health, safety, and welfare, or as otherwise required by law.

(b) A center must comply with the Florida Early Learning-20 Education Code with respect to providing services to students with disabilities.

(c) A center must comply with the antidiscrimination provisions in s. 1000.05 and the provisions in s. 1002.33(24) which relate to the employment of relatives.

(11) FUNDING.—

(a) Notwithstanding any other provision of law, a charter technical career center's student membership enrollment must be calculated pursuant to this section.

(b) Each district school board and Florida College System institution that sponsors a charter technical career center shall pay directly to the center an amount stated in the charter. State funding shall be generated for the center for its student enrollment and program outcomes as provided in law. A center is eligible for funding from workforce education funds, the Florida Education Finance Program, and the Florida College System Program Fund, depending upon the programs conducted by the center.

(c) A center may receive other state and federal aid, grants, and revenue through the district school board or Florida College System institution board of trustees.

(d) A center may receive gifts and grants from private sources.

(e) A center may not levy taxes or issue bonds, but it may charge a student tuition fee consistent with authority granted in its charter and permitted by law.

(f) A center shall provide for an annual financial audit in accordance with s. 218.39. A center shall provide a monthly financial statement to the sponsor. The monthly financial statement shall be in a form prescribed by the Department of Education.

(g) A center must define in the charter agreement the delivery system in which the instructional offering of educational services will be placed. The rules governing this delivery system must be applied to all of the center's students and must authorize all other sponsoring educational systems to report required enrollment and student data based solely on the rules of the offering institution. Each sponsor shall earn full-time equivalent membership for each student for funding and reporting purposes.

(12) EMPLOYEES OF A CENTER.—

(a) A center may select its own employees.

(b) A center may contract for services with an individual, partnership, or a cooperative. Such persons contracted with are not public employees.

(c) If a center contracts with a public educational agency for services, the terms of employment must follow existing state law and rule and local policies and procedures.

(d) The employees of a center may bargain collectively, as a separate unit or as part of the existing district collective bargaining unit, as determined by the structure of the center.

(e) As a public employer, a center may participate in:

1. The Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a center participates in the Florida Retirement System, its employees are compulsory members of the Florida Retirement System.
2. The State Community College System Optional Retirement Program pursuant to s. 1012.875(2), if the charter is granted by a Florida College System institution that participates in the optional retirement program and meets the eligibility criteria of s. 121.051(2)(c).

(f) Teachers who are considered qualified by the career center are exempt from state certification requirements.

(g) A public school or Florida College System institution teacher or administrator may take a leave of absence to accept employment in a charter technical career center upon the approval of the school district or Florida College System institution.

(h) An employee who is on a leave of absence under this section may retain seniority accrued in that school district or Florida College System institution and may continue to be covered by the benefit programs of that district or Florida College System institution if the center and the district school board or Florida College System institution board of trustees agree to this arrangement and its financing.

(13) BOARD OF DIRECTORS AUTHORITY.—

The board of directors of a center may decide matters relating to the operation of the school, including budgeting, curriculum, and operating procedures, subject to the center's charter. The board of directors is responsible for performing the duties provided in s. 1002.345, including monitoring the corrective action plan. The board of directors must comply with s. 1002.33(26).

(14) ACCOUNTABILITY.—

Each center must submit a report to the participating district school board or Florida College System institution board of trustees by August 1 of each year. The report must be in such form as the sponsor prescribes and must include:

(a) A discussion of progress made toward the achievement of the goals outlined in the center's charter.

(b) A financial statement setting forth by appropriate categories the revenue and expenditures for the previous school year.

(15) TERMS OF THE CHARTER.—

The term of an initial charter may not exceed 5 years. Thereafter, the sponsor may renew a charter for a period up to 5 years. The sponsor may refuse to renew a charter or may revoke a charter if the center has not fulfilled a condition imposed under the charter or if the center has violated any provision of the charter. The sponsor may place the center on probationary status to allow the implementation of a remedial plan, after which, if the plan is unsuccessful, the charter may be summarily revoked. The sponsor shall develop procedures and guidelines for the revocation and renewal of a center's charter. The sponsor must give written notice of its intent not to renew the charter at least 12 months before the charter expires. If the sponsor revokes a charter before the scheduled expiration date, the sponsor must

provide written notice to the governing board of the center at least 60 days before the date of termination, stating the grounds for the proposed revocation. The governing board of the center may request in writing an informal hearing before the sponsor within 14 days after receiving the notice of revocation. A revocation takes effect at the conclusion of a school year, unless the sponsor determines that earlier revocation is necessary to protect the health, safety, and welfare of students. The sponsor shall monitor and review the center in its progress toward the goals established in the charter and shall monitor the revenues and expenditures of the center.

(16) TRANSPORTATION.—

The center may provide transportation, pursuant to chapter 1006, through a contract with the district school board or the Florida College System institution board of trustees, a private provider, or parents of students. The center must ensure that transportation is not a barrier to equal access for all students in grades K-12 residing within a reasonable distance of the facility.

(17) IMMUNITY.—

For the purposes of tort liability, the governing body and employees of a center are governed by s. 768.28.

(18) RULES.—

The State Board of Education shall adopt rules, pursuant to ss. 120.536(1) and 120.54, relating to the implementation of charter technical career centers, including rules to implement a charter model application form and an evaluation instrument in accordance with this section.

(19) EVALUATION; REPORT.—

The Commissioner of Education shall provide for an annual comparative evaluation of charter technical career centers and public technical centers. The evaluation may be conducted in cooperation with the sponsor, through private contracts, or by department staff. At a minimum, the comparative evaluation must address the demographic and socioeconomic characteristics of the students served, the types and costs of services provided, and the outcomes achieved. By December 30 of each year, the Commissioner of Education shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Senate and House committees that have responsibility for secondary and postsecondary career and technical education a report of the comparative evaluation completed for the previous school year.

Deteriorating Financial Conditions & Emergencies • 1002.345 FS

Effective July 1, 2014

1002.345 defines how deteriorating financial conditions and financial emergencies are identified and what is required if those triggers occur.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.345.html

This section applies to charter schools operating pursuant to s. 1002.33 and to charter technical career centers operating pursuant to s. 1002.34.

1002.345 Determination of deteriorating financial conditions and financial emergencies for charter schools and charter technical career centers.—

(1) EXPEDITED REVIEW; REQUIREMENTS.—

(a) A charter school or a charter technical career center is subject to an expedited review by the sponsor if one of the following occurs:
1. Failure to provide for an audit required by s. 218.39.
2. Failure to comply with reporting requirements pursuant to s. 1002.33(9) or s. 1002.34(11)(f) or (14).
3. A deteriorating financial condition identified through an annual audit pursuant to s. 218.39(5), a monthly financial statement pursuant to s. 1002.33(9)(g) or s. 1002.34(11)(f), or a quarterly financial statement pursuant to s. 1002.331(2)(c). "Deteriorating financial condition" means a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in s. 218.503(1).
4. Notification pursuant to s. 218.503(2) that one or more of the conditions specified in s. 218.503(1) have occurred or will occur if action is not taken to assist the charter school or charter technical career center.

(b) A sponsor shall notify the governing board and the Commissioner of Education within 7 business days after one or more of the conditions specified in paragraph (a) occur.

(c) The governing board and the sponsor shall develop a corrective action plan and file the plan with the Commissioner of Education within 30 business days after notification is received as provided in paragraph (b). If the governing board and the sponsor are unable to agree on a corrective action plan, the Commissioner of Education shall determine the components of the plan. The governing board shall implement such plan.

(d) The governing board shall include the corrective action plan and the status of its implementation in the annual progress report to the sponsor which is required pursuant to s. 1002.33(9)(k) or s. 1002.34(14).

(e) If the governing board fails to implement the corrective action plan within 1 year after one or more of the conditions specified in paragraph (a) occur, the State Board of Education shall prescribe any steps necessary for the charter school or the charter technical career center to comply with state requirements.

(f) The chair of the governing board shall annually appear before the State Board of Education and report on the implementation of the State Board of Education's requirements referenced in paragraph (e).

(2) FINANCIAL EMERGENCY; REQUIREMENTS.—

(a)
1. If a financial audit conducted by a certified public accountant in accordance with s. 218.39 reveals that one or more of the conditions in s. 218.503(1) have occurred or will occur if action is not taken to assist the charter school or charter technical career center, the auditor shall notify the governing board of the charter school or charter technical career center, as

appropriate, the sponsor, and the Commissioner of Education within 7 business days after the finding is made.

2. If the charter school or charter technical career center is found to be in a state of financial emergency pursuant to s. 218.503(4), the charter school or charter technical career center shall file a financial recovery plan pursuant to s. 218.503 with the sponsor and the Commissioner of Education within 30 days after being notified by the Commissioner of Education that a financial recovery plan is needed.

(b) The governing board shall include the financial recovery plan and the status of its implementation in the annual progress report to the sponsor which is required under s. 1002.33(9)(k) or s. 1002.34(14).

(3) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for developing financial recovery and corrective action plans, defining a deteriorating financial condition pursuant to subparagraph (1)(a)3., and establishing procedures for determining a deteriorating financial condition pursuant to subparagraph (1)(a)3. and s. 218.39(5). In adopting the rules, the State Board of Education may obtain technical assistance from the Auditor General.

(4) TECHNICAL ASSISTANCE.—The Department of Education shall provide technical assistance to charter schools, charter technical career centers, governing boards, and sponsors in developing financial recovery and corrective action plans.

(5) FAILURE TO CORRECT DEFICIENCIES.—

The sponsor may decide not to renew or may terminate a charter if the charter school or charter technical career center fails to correct the deficiencies noted in the corrective action plan within 1 year after being notified of the deficiencies or exhibits one or more financial emergency conditions specified in s. 218.503 for 2 consecutive years. This subsection does not affect a sponsor's authority to terminate or not renew a charter pursuant to s. 1002.33(8).

Charter Schools Capital Outlay Funding · 1013.62 Florida Statutes

Effective July 1, 2018

The following statutes identify schools who are eligible for capital outlay funds and what the funds can be used for.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1013/Sections/1013.62.html

1013.62 Charter schools capital outlay funding.—

1(1) For the 2021-2022 fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2021-2022 General Appropriations Act. Beginning in fiscal year 2022-2023, 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;

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.

(b) A charter school is not eligible to receive capital outlay funds if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.

(2) The department shall use the following calculation methodology to allocate state funds appropriated in the General Appropriations Act to eligible charter schools:

(a) Eligible charter schools shall be grouped into categories based on their student populations according to the following criteria:

1. Seventy-five percent or greater who are eligible for free or reduced-price school meals under the National School Lunch Program or, for schools operating programs under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, an equivalent percentage of the student population eligible for free and reduced-price meals as determined by applying the multiplier authorized under the National School Lunch Act, 42 U.S.C. s. 1759a(a)(1)(F)(vii), to the number of students reported for direct certification.

2. Twenty-five percent or greater with disabilities as defined in state board rule and consistent with the requirements of the Individuals with Disabilities Education Act.

(b) If an eligible charter school does not meet the criteria for either category under paragraph (a), its FTE shall be provided as the base amount of funding and shall be assigned a weight of 1.0. An eligible charter school that meets the criteria under subparagraph (a)1. or subparagraph (a)2. shall be provided an additional 25 percent above the base funding amount, and the total FTE shall be multiplied by a weight of 1.25. An eligible charter school that meets the criteria under both subparagraphs (a)1. and (a)2. shall be provided an additional 50 percent above the base funding amount, and the FTE for that school shall be multiplied by a weight of 1.5.

(c) The state appropriation for charter school capital outlay shall be divided by the total weighted FTE for all eligible charter schools to determine the base charter school per weighted FTE allocation amount. The per weighted FTE allocation amount shall be multiplied by the weighted FTE to determine each charter school's capital outlay allocation.

(d) The department shall calculate the eligible charter school funding allocations. Funds shall be allocated using full-time equivalent membership from the second and third enrollment surveys and free and reduced-price school lunch data. The department shall recalculate the allocations periodically based on the receipt of revised information, on a schedule established by the Commissioner of Education.

(e) The department shall distribute capital outlay funds monthly, beginning in the first quarter of the fiscal year, based on one-twelfth of the amount the department reasonably expects the charter school to receive during that fiscal year. The commissioner shall adjust subsequent distributions as necessary to reflect each charter school's recalculated allocation.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), and the state funds appropriated for charter school capital outlay in any fiscal year are 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, the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, which has not been subsequently retired, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students of each eligible charter school to determine the capital outlay allocation for each charter school.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated to each eligible charter school in subsection (2) to determine the maximum calculated capital outlay allocation.

(e) School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year, as required by this subsection, based on the amount of funds received by the district school board. School districts shall distribute any remaining capital outlay funds, as required by this subsection, upon the receipt of such funds until the total amount calculated pursuant to this subsection is distributed.

By October 1 of each year, each school district shall certify to the department the amount of debt service and participation requirement that complies with the requirement of paragraph (a) and can be reduced from the total discretionary millage revenue. The Auditor General shall verify compliance with the requirements of paragraph (a) and s. 1011.71(2)(e) during scheduled operational audits of school districts.

(4) A charter school's governing body may use charter school capital outlay funds for the following purposes:

(a) Purchase of real property.

(b) Construction of school facilities.

(c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.

(d) Purchase of vehicles to transport students to and from the charter school.

(e) Renovation, repair, and maintenance of school facilities that the charter school owns or is purchasing through a lease-purchase or long-term lease of 5 years or longer.

(f) Payment of the cost of premiums for property and casualty insurance necessary to insure the school facilities.

(g) Purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(h) Purchase, lease-purchase, or lease of computer and device hardware and operating system software necessary for gaining access to or enhancing the use of electronic and digital instructional content and resources; and enterprise resource software applications that are classified as capital assets in accordance with definitions of the Governmental Accounting Standards Board, have a useful life of at least 5 years, and are used to support schoolwide administration or state-mandated reporting requirements. Enterprise resource software may be acquired by annual license fees, maintenance fees, or lease agreement.

(i) Payment of the cost of the opening day collection for the library media center of a new school.

Conversion charter schools may use capital outlay funds received through the reduction in the administrative fee provided in s. 1002.33(20) for renovation, repair, and maintenance of school facilities that are owned by the sponsor.

(5) If a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with district public funds shall revert to the ownership of the district school board, as provided for in s. 1002.33(8)(d) and (e). In the case of a charter lab school, any unencumbered funds and all equipment and property purchased with university public funds shall revert to the ownership of the state university that issued the charter. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with public funds is subject to the complete satisfaction of all lawful liens or encumbrances. If there are additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the charter contract prior to the expenditure of funds.

(6) The Commissioner of Education shall specify procedures for submitting and approving requests for funding under this section and procedures for documenting expenditures.

(7) The annual legislative budget request of the Department of Education shall include a request for capital outlay funding for charter schools. The request shall be based on the projected number of students to be served in charter schools who meet the eligibility requirements of this section.

Charter School Exemption from Ad Valorem Taxes · 196.1983 Florida Statutes

Effective July 1, 2017

The following statute lays out the exemption for charter schools from ad valorem taxes.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0196/Sections/0196.1983.html

196.1983 Charter school exemption from ad valorem taxes.—

Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board pursuant to s. 1002.33(7) shall be exempt from ad valorem taxes. For leasehold properties, the landlord must certify by affidavit to the charter school that the required payments under the lease, whether paid to the landlord or on behalf of the landlord to a third party, will be reduced to the extent of the exemption received. The owner of the property shall disclose to a charter school the full amount of the benefit derived from the exemption and the method for ensuring that the charter school receives such benefit. The charter school shall receive the full benefit derived from the exemption.

Governance and Public Records Statutes

Ethics / Standards for Governing Board · 112.313 Florida Statutes

Effective July 1, 2018

The following statutes apply to the governing board of charter schools.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.313.html

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(1) DEFINITION.—

As used in this section, unless the context otherwise requires, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.—

No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) DOING BUSINESS WITH ONE'S AGENCY.—

No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

(a) October 1, 1975.

(b) Qualification for elective office.

(c) Appointment to public office.

(d) Beginning public employment.

(4) UNAUTHORIZED COMPENSATION.—

No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) SALARY AND EXPENSES.—

No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) MISUSE OF PUBLIC POSITION.—

No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.
2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—

A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)

1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.
2. As used in this paragraph:
   a. "Employee" means:
      (I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.
      (II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.
      (III) The executive director and deputy executive director of the Commission on Ethics.
      (IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.
      (V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.
      (VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.
   b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.
   c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.
3.
   a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.
   b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.
4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.
5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.
6. This paragraph is not applicable to:
   a. A person employed by the Legislature or other agency prior to July 1, 1989;
   b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
   c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
   d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or
   e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—

No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—

The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;
2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed $500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and
2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—

The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—

A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The "government body or agency" of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The "government body or agency" of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The "government body or agency" of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The "government body or agency" of an elected special district officer is the special district.

(e) The "government body or agency" of an elected school district officer is the school district.

(15) ADDITIONAL EXEMPTION.—

No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal

Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:

(a) The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of the officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, "local government attorney" means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, "unit of local government" includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—

No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

Voting Conflicts · 112.3143 Florida Statutes

Effective July 1, 2013

The following statutes are with regards to conflicts of interests for Board members as they vote on issues.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.3143.html

112.3143 Voting conflicts.—

(1) As used in this section:

(a) "Principal by whom retained" means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

(b) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) "Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)

(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose

the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection.

(3)

(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

(6) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

Public Disclosure of Financial Interests · 112.3144 Florida Statutes

Effective July 1, 2020

The following statutes are with regards to public disclosure of financial interest, but only apply to charters who are operated by a public entity, such as a municipal charter.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.3144.html

112.3144 Full and public disclosure of financial interests.—

(1)

(a) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year, or any other person required by law to file a disclosure under this section, shall file that disclosure with the Florida Commission on Ethics. Additionally, an officer who is required to complete annual ethics training pursuant to s. 112.3142 must certify on his or her full and public disclosure of financial interests that he or she has completed the required training.

(b) A member of an expressway authority, transportation authority, bridge authority, toll authority, or expressway agency created pursuant to chapter 343, chapter 348, or any other general law shall comply with the applicable financial disclosure requirements of s. 8, Art. II of the State Constitution.

(c) Each member of the governing body of a large-hub commercial service airport, except for members required to comply with the financial disclosure requirements of s. 8, Art. II of the State Constitution, shall comply with the financial disclosure requirements of s. 112.3145(3). For purposes of this

paragraph, the term "large-hub commercial service airport" means a publicly owned airport that has at least 1 percent of the annual passenger boardings in the United States as reported by the Federal Aviation Administration.

(2) Beginning January 1, 2022, all disclosures filed with the commission must be filed electronically through an electronic filing system that is created and maintained by the commission as provided in s. 112.31446.

(3) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year is not required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part. Until the electronic filing system required by subsection (2) is implemented, if an incumbent in an elective office has filed the full and public disclosure of financial interests to qualify for election to the same office or if a candidate for office holds another office subject to the annual filing requirement, the qualifying officer shall forward an electronic copy of the full and public disclosure of financial interests to the commission no later than July 1. The electronic copy of the full and public disclosure of financial interests satisfies the annual disclosure requirement of this section. A candidate who does not qualify until after the annual full and public disclosure of financial interests has been filed pursuant to this section shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(4) Beginning January 1, 2022, an incumbent in an elective office or a candidate holding another position subject to an annual filing requirement may submit a copy of the full and public disclosure of financial interests filed with the commission, or a verification or receipt of the filing, with the officer before whom he or she qualifies. A candidate not subject to an annual filing requirement does not file with the commission, but may complete and print a full and public disclosure of financial interests to file with the officer before whom he or she qualifies.

(5) For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over $1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":

(a) Jewelry;
(b) Collections of stamps, guns, and numismatic properties;
(c) Art objects;
(d) Household equipment and furnishings;
(e) Clothing;
(f) Other household items; and
(g) Vehicles for personal use.

(6)

(a) With respect to reporting, assets valued in excess of $1,000 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property. However, assets that are held jointly, with right of survivorship, must be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own a percentage of a partnership which is equal to the reporting individual's interest in the capital or equity of the partnership.

(b)

1. With respect to reporting liabilities valued in excess of $1,000 for which the reporting individual is jointly and severally liable, the amount reported shall be based on the reporting individual's percentage of liability rather than the total amount of the liability. However, liability for a debt that is secured by property owned by the reporting individual but that is held jointly, with right of survivorship, must be reported at 100 percent of the total amount owed.
2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in subparagraph 1.

(c) Each separate source and amount of income which exceeds $1,000 must be identified. Beginning January 1, 2022, a federal income tax return may not be used for purposes of reporting income, and the commission may not accept a federal income tax return or a copy thereof.

(7)

(a) Beginning January 1, 2022, a filer may not include in a filing to the commission a federal income tax return or a copy thereof; a social security number; a bank, mortgage, or brokerage account number; a debit, charge, or credit card number; a personal identification number; a taxpayer identification number. If a filer includes such information in his or her filing, the information may be made available as part of the official records of the commission available for public inspection and copying unless redaction is requested by the filer. The commission is not liable for the release of social security numbers or bank account, debit, charge, or credit card numbers included in a filing to the commission if the filer has not requested redaction of such information.

(b) The commission shall redact a filer's social security number; bank account number; debit, charge, or credit card number; or any other personal or account information that is legally protected from disclosure under state or federal law upon written notification from the filer of its inadvertent inclusion. Such notice must specify the information inadvertently included and the specific section or sections of the disclosure in which it was included.

(c) The commission must conspicuously post a notice, in substantially the following form, in the instructions for the electronic filing system specifying that:

1. Any filer submitting information through the electronic filing system may not include a federal income tax return or a copy thereof; a social security number; a bank, mortgage, or brokerage account number; a debit, charge, or credit card number; a personal identification number; or a taxpayer identification number in any filing unless required by law.
2. Information submitted through the electronic filing system may be open to public inspection and copying.
3. Any filer has a right to request that the commission redact from his or her filing any social security number, bank account number, or debit, charge, or credit card number contained in the filing. Such request must be made in writing and delivered to the commission. The request must specify the information to be redacted and the specific section or sections of the disclosure in which it was included.

(8) Forms or fields of information for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution shall be prescribed by the commission. The commission shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) Not later than May 1 of each year, the commission shall prepare a current list of the names, e-mail addresses, and physical addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law. Each unit of government shall assist the commission in compiling the list by providing to the commission not later than February 1 of each year the name, e-mail address, physical address, and name of the office held by such person within the respective unit of government as of December 31 of the preceding year.

(b) Not later than June 1 of each year, the commission shall distribute a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the list. Beginning January 1, 2022, no paper forms will be provided. The notice required under this paragraph and instructions for electronic submission must be delivered by e-mail.

(c) Not later than August 1 of each year, the commission shall determine which persons on the list have failed to file full and public disclosure and shall send delinquency notices to such persons. Each notice must state that a grace period is in effect until September 1 of the current year. Beginning January 1, 2022, the notice required under this paragraph must be delivered by e-mail and must be redelivered on a weekly basis by e-mail as long as a person remains delinquent.

(d) Disclosures must be received by the commission not later than 5 p.m. of the due date. However, any disclosure that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner. Beginning January 1, 2022, upon request of the filer, the commission must provide verification to the filer that the commission has received the filed disclosure.

(e) Beginning January 1, 2022, a written declaration, as provided for under s. 92.525(2), accompanied by an electronic signature satisfies the requirement that the disclosure be sworn.

(f) Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's list, and to whom notice has been sent, but who fails to timely file is assessed a fine of $25 per day for each day late up to a maximum of $1,500; however this $1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:
   a. When a statement is actually received by the office.
   b. When the statement is postmarked.
   c. When the certificate of mailing is dated.
   d. When the receipt from an established courier company is dated.
2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.
3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be in writing and received by the commission within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission. For purposes of this subparagraph, "unusual circumstances" does not include the failure to monitor an e-mail account or failure to receive notice if the person has not notified the commission of a change in his or her e-mail address.

(g) Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the commission's list of persons required to file full and public disclosure is not subject to the fines or penalties provided in this part for failure to file full and public disclosure in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.

(h) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (10).

(i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(9) If a person holding public office or public employment fails or refuses to file a full and public disclosure of financial interests for any year in which the person received notice from the commission regarding the failure to file and has accrued the maximum automatic fine authorized under this section, regardless of whether the fine imposed was paid or collected, the commission shall initiate an investigation and conduct a public hearing without receipt of a complaint to determine whether the person's failure to file is willful. Such investigation and hearing must be conducted in accordance with s. 112.324. Except as provided in s. 112.324(4), if the commission determines that the person willfully failed to file a full and public disclosure of financial interests, the commission shall enter an order

recommending that the officer or employee be removed from his or her public office or public employment. The commission shall forward its recommendations as provided in s. 112.324.

(10) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection.

(11)

(a) The commission shall treat an amendment to a full and public disclosure of financial interests which is filed before September 1 of the year in which the disclosure is due as part of the original filing, regardless of whether a complaint has been filed. If a complaint alleges only an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint other than notifying the filer of the complaint. The filer must be given 30 days to file an amendment to the full and public disclosure of financial interests correcting any errors. If the filer does not file an amendment to the full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(b) For purposes of the final full and public disclosure of financial interests, the commission shall treat an amendment to a new final full and public disclosure of financial interests as part of the original filing if filed within 60 days after the original filing, regardless of whether a complaint has been filed. If, more than 60 days after a final full and public disclosure of financial interests is filed, a complaint is filed alleging a complete omission of any information required to be disclosed by this section, the commission may immediately follow the complaint procedures in s. 112.324. However, if the complaint alleges an immaterial, inconsequential, or de minimis error or omission, the commission may not take any action on the complaint, other than notifying the filer of the complaint. The filer must be given 30 days to file an amendment to the new final full and public disclosure of financial interests correcting any errors. If the filer does not file an amendment to the new final full and public disclosure of financial interests within 30 days after the commission sends notice of the complaint, the commission may continue with proceedings pursuant to s. 112.324.

(c) For purposes of this section, an error or omission is immaterial, inconsequential, or de minimis if the original filing provided sufficient information for the public to identify potential conflicts of interest. However, failure to certify completion of annual ethics training required under s. 112.3142 does not constitute an immaterial, inconsequential, or de minimis error or omission.

(12)

(a) An individual required to file a disclosure pursuant to this section may have the disclosure prepared by an attorney in good standing with The Florida Bar or by a certified public accountant licensed under chapter 473. After preparing a disclosure form, the attorney or certified public accountant must sign the form indicating that he or she prepared the form in accordance with this section and the instructions for completing and filing the disclosure forms and that, upon his or her reasonable knowledge and belief, the disclosure is true and correct. If a complaint is filed alleging a failure to disclose information required by this section, the commission shall determine whether the information was disclosed to the attorney or certified public accountant. The failure of the attorney or certified public accountant to accurately transcribe information provided by the individual required to file is not a violation of this section.

(b) An elected officer or candidate who chooses to use an attorney or a certified public accountant to prepare his or her disclosure may pay for the services of the attorney or certified public accountant from funds in an office account created pursuant to s. 106.141 or, during a year that the individual qualifies for election to public office, the candidate's campaign depository pursuant to s. 106.021.

(13) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

(14) The provisions of this section constitute a revision to the schedule included in s. 8(i), Art. II of the State Constitution.

Public Meetings and Records · 286.011 Florida Statutes

Effective July 1, 2012

The charter school statute specifically states that charter schools are required to abide by section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)

(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding $500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

Public Records · 119 Florida Statutes

Effective July 1, 2021

The charter school statute specifically states that charter schools are required to abide by section 119, relating to public records. Chapter 119 is significantly longer than what has been included below, only those sections most applicable to charters were included. Be sure to review the entire chapter if you have specific questions about the statute.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119.html

119.01 General state policy on public records.—

(1) It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.

(2)

(a) Automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.

(b) When designing or acquiring an electronic recordkeeping system, an agency must consider whether such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.

(c) An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the agency, including public records that are online or stored in an electronic recordkeeping system used by the agency.

(d) Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.

(e) Providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(f) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(4).

(3) If public funds are expended by an agency in payment of dues or membership contributions for any person, corporation, foundation, trust, association, group, or other organization, all the financial, business, and membership records of that person, corporation, foundation, trust, association, group, or other organization which pertain to the public agency are public records and subject to the provisions of s. 119.07.

119.011 Definitions.—As used in this chapter, the term:

(1) "Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, but does not include labor cost or overhead cost associated with such duplication.

(2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(3)

(a) "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

(b) "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.
2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.071(2)(h) or (o).
3. The time, date, and location of the incident and of the arrest.
4. The crime charged.
5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.071(2)(h) or (m), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s.

119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

6. Informations and indictments except as provided in s. 905.26.

(d) The word "active" shall have the following meaning:

1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.

2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

(4) "Criminal justice agency" means:

(a) Any law enforcement agency, court, or prosecutor;

(b) Any other agency charged by law with criminal law enforcement duties;

(c) Any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; or

(d) The Department of Corrections.

(5) "Custodian of public records" means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.

(6) "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.

(7) "Duplicated copies" means new copies produced by duplicating, as defined in s. 283.30.

(8) "Exemption" means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), s. 286.011, or s. 24, Art. I of the State Constitution.

(9) "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

(10) "Paratransit" has the same meaning as provided in s. 427.011.

(11) "Proprietary software" means data processing software that is protected by copyright or trade secret laws.

(12) "Public records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

(13) "Redact" means to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.

(14) "Sensitive," for purposes of defining agency-produced software that is sensitive, means only those portions of data processing software, including the specifications and documentation, which are used to:

(a) Collect, process, store, and retrieve information that is exempt from s. 119.07(1);

(b) Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or

(c) Control and direct access authorizations and security measures for automated systems.

(15) "Utility" means a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater.

119.021 Custodial requirements; maintenance, preservation, and retention of public records.—

(1) Public records shall be maintained and preserved as follows:

(a) All public records should be kept in the buildings in which they are ordinarily used.

(b) Insofar as practicable, a custodian of public records of vital, permanent, or archival records shall keep them in fireproof and waterproof safes, vaults, or rooms fitted with noncombustible materials and in such arrangement as to be easily accessible for convenient use.

(c)

1. Record books should be copied or repaired, renovated, or rebound if worn, mutilated, damaged, or difficult to read.

2. Whenever any state, county, or municipal records are in need of repair, restoration, or rebinding, the head of the concerned state agency, department, board, or commission; the board of county commissioners of such county; or the governing body of such municipality may authorize that such records be removed from the building or office in which such records are ordinarily kept for the length of time required to repair, restore, or rebind them.

3. Any public official who causes a record book to be copied shall attest and certify under oath that the copy is an accurate copy of the original book. The copy shall then have the force and effect of the original.

(2)

(a) The Division of Library and Information Services of the Department of State shall adopt rules to establish retention schedules and a disposal process for public records.

(b) Each agency shall comply with the rules establishing retention schedules and disposal processes for public records which are adopted by the records and information management program of the division.

(c) Each public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the division in accordance with s. 257.36.

(d) The division may ascertain the condition of public records and shall give advice and assistance to public officials to solve problems related to the preservation, creation, filing, and public accessibility of public records in their custody. Public officials shall assist the division by preparing an inclusive inventory of

categories of public records in their custody. The division shall establish a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the division shall, subject to the availability of necessary space, staff, and other facilities for such purposes, make space available in its records center for the filing of semicurrent records so scheduled and in its archives for noncurrent records of permanent value, and shall render such other assistance as needed, including the microfilming of records so scheduled.

(3) Agency final orders rendered before July 1, 2015, that were indexed or listed pursuant to s. 120.53, and agency final orders rendered on or after July 1, 2015, that must be listed or copies of which must be transmitted to the Division of Administrative Hearings pursuant to s. 120.53, have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules of the Department of State.

(4)

(a) Whoever has custody of any public records shall deliver, at the expiration of his or her term of office, to his or her successor or, if there be none, to the records and information management program of the Division of Library and Information Services of the Department of State, all public records kept or received by him or her in the transaction of official business.

(b) Whoever is entitled to custody of public records shall demand them from any person having illegal possession of them, who must forthwith deliver the same to him or her. Any person unlawfully possessing public records must within 10 days deliver such records to the lawful custodian of public records unless just cause exists for failing to deliver such records.

119.035 Officers-elect.—

(1) It is the policy of this state that the provisions of this chapter apply to officers-elect upon their election to public office. Such officers-elect shall adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in this chapter.

(2) Public records of an officer-elect shall be maintained in accordance with the policies and procedures of the public office to which the officer has been elected.

(3) If an officer-elect, individually or as part of a transition process, creates or uses an online or electronic communication or recordkeeping system, all public records maintained on such system shall be preserved so as not to impair the ability of the public to inspect or copy such public records.

(4) Upon taking the oath of office, the officer-elect shall, as soon as practicable, deliver to the person or persons responsible for records and information management in such office all public records kept or received in the transaction of official business during the period following election to public office.

(5) As used in this section, the term "officer-elect" means the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

119.07 Inspection and copying of records; photographing public records; fees; exemptions.—

(1)

(a) Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

(b) A custodian of public records or a person having custody of public records may designate another officer or employee of the agency to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy public records.

(c) A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.

(d) A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.

(e) If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

(f) If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.

(g) In any civil action in which an exemption to this section is asserted, if the exemption is alleged to exist under or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or (4)(c), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of s. 119.071(2)(c), an inspection in camera is discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.

(h) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(i) The absence of a civil action instituted for the purpose stated in paragraph (g) does not relieve the custodian of public records of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.

(2)

(a) As an additional means of inspecting or copying public records, a custodian of public records may provide access to public records by remote electronic means, provided exempt or confidential information is not disclosed.

(b) The custodian of public records shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which are exempt or confidential from subsection (1) or s. 24, Art. I of the State Constitution.

(c) Unless otherwise required by law, the custodian of public records may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access. Fees for remote electronic access provided to the general public shall be in accordance with the provisions of this section.

(3)

(a) Any person shall have the right of access to public records for the purpose of making photographs of the record while such record is in the possession, custody, and control of the custodian of public records.

(b) This subsection applies to the making of photographs in the conventional sense by use of a camera device to capture images of public records but excludes the duplication of microfilm in the possession of the clerk of the circuit court where a copy of the microfilm may be made available by the clerk.

(c) Photographing public records shall be done under the supervision of the custodian of public records, who may adopt and enforce reasonable rules governing the photographing of such records.

(d) Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the custodian of public records, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the custodian of public records. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record pursuant to paragraph (4)(e).

(4) The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. If a fee is not prescribed by law, the following fees are authorized:

(a)

1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 81/2 inches;
2. No more than an additional 5 cents for each two-sided copy; and
3. For all other copies, the actual cost of duplication of the public record.

(b) The charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication.

(c) An agency may charge up to $1 per copy for a certified copy of a public record.

(d) If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

(e)

1. Where provision of another room or place is necessary to photograph public records, the expense of providing the same shall be paid by the person desiring to photograph the public records.
2. The custodian of public records may charge the person making the photographs for supervision services at a rate of compensation to be agreed upon by the person desiring to make the photographs and the custodian of public records. If they fail to agree as to the appropriate charge, the charge shall be determined by the custodian of public records.

(5) When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. If the ballots are being examined before the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

(6) An exemption contained in this chapter or in any other general or special law shall not limit the access of the Auditor General, the Office of Program Policy Analysis and Government Accountability, or any state, county, municipal, university, board of community college, school district, or special district internal auditor to public records when such person states in writing that such records are needed for a properly authorized audit, examination, or investigation. Such person shall maintain the exempt or confidential status of that public record and shall be subject to the same penalties as the custodian of that record for public disclosure of such record.

(7) An exemption from this section does not imply an exemption from s. 286.011. The exemption from s. 286.011 must be expressly provided.

(8) The provisions of this section are not intended to expand or limit the provisions of Rule 3.220, Florida Rules of Criminal Procedure, regarding the right and extent of discovery by the state or by a defendant in a criminal prosecution or in collateral postconviction proceedings. This section may not be used by any inmate as the basis for failing to timely litigate any postconviction action.

(9) After receiving a request to inspect or copy a record, an agency may not respond to that request by filing an action for declaratory relief against the requester to determine whether the record is a public record as defined by s. 119.011, or the status of the record as confidential or exempt from the provisions of s. 119.07(1).

119.0701 Contracts; public records; request for contractor records; civil action.—

(1) DEFINITIONS.—

For purposes of this section, the term:

(a) "Contractor" means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).

(b) "Public agency" means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) CONTRACT REQUIREMENTS.—

In addition to other contract requirements provided by law, each public agency contract for services entered into or amended on or after July 1, 2016, must include:

(a) The following statement, in substantially the following form, identifying the contact information of the public agency's custodian of public records in at least 14-point boldfaced type:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address) .

(b) A provision that requires the contractor to comply with public records laws, specifically to:

1. Keep and maintain public records required by the public agency to perform the service.
2. Upon request from the public agency's custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.
4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

(3) REQUEST FOR RECORDS; NONCOMPLIANCE.—

(a) A request to inspect or copy public records relating to a public agency's contract for services must be made directly to the public agency. If the public agency does not possess the requested records, the public agency shall immediately notify the contractor of the request, and the contractor must provide the records to the public agency or allow the records to be inspected or copied within a reasonable time.

(b) If a contractor does not comply with the public agency's request for records, the public agency shall enforce the contract provisions in accordance with the contract.

(c) A contractor who fails to provide the public records to the public agency within a reasonable time may be subject to penalties under s. 119.10.

(4) CIVIL ACTION.—

(a) If a civil action is filed against a contractor to compel production of public records relating to a public agency's contract for services, the court shall assess and award against the contractor the reasonable costs of enforcement, including reasonable attorney fees, if:

1. The court determines that the contractor unlawfully refused to comply with the public records request within a reasonable time; and
2. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the contractor has not complied with the request, to the public agency and to the contractor.

(b) A notice complies with subparagraph (a)2. if it is sent to the public agency's custodian of public records and to the contractor at the contractor's address listed on its contract with the public agency or to the contractor's registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

(c) A contractor who complies with a public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

119.071 General exemptions from inspection or copying of public records.—

(1) AGENCY ADMINISTRATION.—

(a) Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.

(b)

1. For purposes of this paragraph, "competitive solicitation" means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.
2. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.
3. If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

(c) Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d)

1. A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency or

employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney's express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the conclusion of the litigation or adversarial administrative proceedings. For purposes of capital collateral litigation as set forth in s. 27.7001, the Attorney General's office is entitled to claim this exemption for those public records prepared for direct appeal as well as for all capital collateral litigation after direct appeal until execution of sentence or imposition of a life sentence.

2. This exemption is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney. When asserting the right to withhold a public record pursuant to this paragraph, the agency shall identify the potential parties to any such criminal or civil litigation or adversarial administrative proceedings. If a court finds that the document or other record has been improperly withheld under this paragraph, the party seeking access to such document or record shall be awarded reasonable attorney's fees and costs in addition to any other remedy ordered by the court.

(e) Any videotape or video signal that, under an agreement with an agency, is produced, made, or received by, or is in the custody of, a federally licensed radio or television station or its agent is exempt from s. 119.07(1).

(f) Agency-produced data processing software that is sensitive is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive does not prohibit an agency head from sharing or exchanging such software with another public agency.

(g)

1. United States Census Bureau address information, including maps showing structure location points, agency records that verify addresses, and agency records that identify address errors or omissions, which is held by an agency pursuant to the Local Update of Census Addresses Program authorized under 13 U.S.C. s. 16, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. Such information may be released to another agency or governmental entity in the furtherance of its duties and responsibilities under the Local Update of Census Addresses Program.

3. An agency performing duties and responsibilities under the Local Update of Census Addresses Program shall have access to any other confidential or exempt information held by another agency if such access is necessary in order to perform its duties and responsibilities under the program.

4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(2) AGENCY INVESTIGATIONS.—

(a) All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Whenever criminal intelligence information or criminal investigative information held by a non-Florida criminal justice agency is available to a Florida criminal justice agency only on a confidential or similarly restricted basis, the Florida criminal justice agency may obtain and use such information in accordance with the conditions imposed by the providing agency.

(c)

1. Active criminal intelligence information and active criminal investigative information are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2.

a. A request made by a law enforcement agency to inspect or copy a public record that is in the custody of another agency and the custodian's response to the request, and any information that would identify whether a law enforcement agency has requested or received that public record are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, during the period in which the information constitutes active criminal intelligence information or active criminal investigative information.

b. The law enforcement agency that made the request to inspect or copy a public record shall give notice to the custodial agency when the criminal intelligence information or criminal investigative information is no longer active so that the request made by the law enforcement agency, the custodian's response to the request, and information that would identify whether the law enforcement agency had requested or received that public record are available to the public.

c. This exemption is remedial in nature, and it is the intent of the Legislature that the exemption be applied to requests for information received before, on, or after the effective date of this paragraph.

(d) Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency, as defined in s. 252.34, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Division of Emergency Management as having an official need for access to the inventory or comprehensive policies or plans.

(e) Any information revealing the substance of a confession of a person arrested is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such time as the criminal case is finally determined by adjudication, dismissal, or other final disposition.

(f) Any information revealing the identity of a confidential informant or a confidential source is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(g)

1. All complaints and other records in the custody of any agency which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital

status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

a. This exemption does not affect any function or activity of the Florida Commission on Human Relations.

b. Any state or federal agency that is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties.

2. If an alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(h)

1. The following criminal intelligence information or criminal investigative information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Any information that reveals the identity of the victim of the crime of child abuse as defined by chapter 827 or that reveals the identity of a person under the age of 18 who is the victim of the crime of human trafficking proscribed in s. 787.06(3)(a).

b. Any information that may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in s. 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796, chapter 800, chapter 827, or chapter 847.

c. A photograph, videotape, or image of any part of the body of the victim of a sexual offense prohibited under s. 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796, chapter 800, s. 810.145, chapter 827, or chapter 847, regardless of whether the photograph, videotape, or image identifies the victim.

2. Criminal investigative information and criminal intelligence information made confidential and exempt under this paragraph may be disclosed by a law enforcement agency:

a. In the furtherance of its official duties and responsibilities.

b. For print, publication, or broadcast if the law enforcement agency determines that such release would assist in locating or identifying a person that such agency believes to be missing or endangered. The information provided should be limited to that needed to identify or locate the victim and not include the sexual nature of the offense committed against the person.

c. To another governmental agency in the furtherance of its official duties and responsibilities.

3. This exemption applies to such confidential and exempt criminal intelligence information or criminal investigative information held by a law enforcement agency before, on, or after the effective date of the exemption.

(i) Any criminal intelligence information or criminal investigative information that reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(j)

1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held confidential or exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this section.

2.

a. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, held by a law enforcement agency, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section.

b. A public employee or officer who has access to a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145 may not willfully and knowingly disclose videotaped information that reveals the minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense. A person who violates this provision commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(k) A complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an investigation by the agency of the complaint of misconduct is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint, either personally or by mail, that the agency has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action or file charges; or
2. Concluded the investigation with a finding to proceed with disciplinary action or file charges.

(l)
1. As used in this paragraph, the term:
   a. "Body camera" means a portable electronic recording device that is worn on a law enforcement officer's body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.
   b. "Law enforcement officer" has the same meaning as provided in s. 943.10.
   c. "Personal representative" means a parent, a court-appointed guardian, an attorney, or an agent of, or a person holding a power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person's surviving spouse, parent, or adult child; the deceased person's attorney or agent; or the parent or guardian of a surviving minor child of the deceased. An agent must possess written authorization of the recorded person to act on his or her behalf.
2. A body camera recording, or a portion thereof, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the recording:
   a. Is taken within the interior of a private residence;
   b. Is taken within the interior of a facility that offers health care, mental health care, or social services; or
   c. Is taken in a place that a reasonable person would expect to be private.
3. Notwithstanding subparagraph 2., a body camera recording, or a portion thereof, may be disclosed by a law enforcement agency:
   a. In furtherance of its official duties and responsibilities; or
   b. To another governmental agency in the furtherance of its official duties and responsibilities.
4. Notwithstanding subparagraph 2., a body camera recording, or a portion thereof, shall be disclosed by a law enforcement agency:
   a. To a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the person's presence in the recording;
   b. To the personal representative of a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the represented person's presence in the recording;
   c. To a person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a law enforcement agency may disclose only those portions that record the interior of such a place.
   d. Pursuant to a court order.
      (I) In addition to any other grounds the court may consider in determining whether to order that a body camera recording be disclosed, the court shall consider whether:
         (A) Disclosure is necessary to advance a compelling interest;
         (B) The recording contains information that is otherwise exempt or confidential and exempt under the law;
         (C) The person requesting disclosure is seeking to obtain evidence to determine legal issues in a case in which the person is a party;
         (D) Disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
         (E) Disclosure may harm the reputation or jeopardize the safety of a person depicted in the recording;
         (F) Confidentiality is necessary to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
         (G) The recording could be redacted to protect privacy interests; and
         (H) There is good cause to disclose all or portions of a recording.
      (II) In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording shall be given reasonable notice of hearings and shall be given an opportunity to participate.
5. A law enforcement agency must retain a body camera recording for at least 90 days.
6. The exemption provided in subparagraph 2. applies retroactively.
7. This exemption does not supersede any other public records exemption that existed before or is created after the effective date of this exemption. Those portions of a recording which are protected from disclosure by another public records exemption shall continue to be exempt or confidential and exempt.

(m)
1. Criminal intelligence information or criminal investigative information that reveals the personal identifying information of a witness to a murder, as described in s. 782.04, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 2 years after the date on which the murder is observed by the witness. A criminal justice agency may disclose such information:
   a. In the furtherance of its official duties and responsibilities.
   b. To assist in locating or identifying the witness if the agency believes the witness to be missing or endangered.
   c. To another governmental agency for use in the performance of its official duties and responsibilities.
   d. To the parties in a pending criminal prosecution as required by law.
2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

(n) Personal identifying information of the alleged victim in an allegation of sexual harassment is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such information may be disclosed to another governmental entity in the furtherance of its official duties and responsibilities. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

(o) The address of a victim of an incident of mass violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this paragraph, the term "incident of mass violence" means an incident in which four or more people, not including the perpetrator, are severely injured or killed by an intentional and indiscriminate act of violence of

another. For purposes of this paragraph, the term "victim" means a person killed or injured during an incident of mass violence, not including the perpetrator. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(p)

1. As used in this paragraph, the term:
   a. "Killing of a law enforcement officer who was acting in accordance with his or her official duties" means all acts or events that cause or otherwise relate to the death of a law enforcement officer who was acting in accordance with his or her official duties, including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death.
   b. "Killing of a victim of mass violence" means events that depict either a victim being killed or the body of a victim killed in an incident in which three or more persons, not including the perpetrator, are killed by the perpetrator of an intentional act of violence.
2. A photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a surviving spouse of the decedent may view and copy any such photograph or video recording or listen to or copy any such audio recording. If there is no surviving spouse, the surviving parents shall have access to such records. If there is no surviving spouse or parent, the adult children shall have access to such records. Nothing in this paragraph precludes a surviving spouse, parent, or adult child of the victim from sharing or publicly releasing such photograph or video or audio recording.
3.
   a. The deceased's surviving relative, with whom authority rests to obtain such records, may designate in writing an agent to obtain such records.
   b. A local governmental entity, or a state or federal agency, in furtherance of its official duties, pursuant to a written request, may view or copy a photograph or video recording or may listen to or copy an audio recording of the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence, and, unless otherwise required in the performance of its duties, the identity of the deceased shall remain confidential and exempt.
   c. The custodian of the record, or his or her designee, may not permit any other person to view or copy such photograph or video recording or listen to or copy such audio recording without a court order.
4.
   a. The court, upon a showing of good cause, may issue an order authorizing any person to view or copy a photograph or video recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence, or to listen to or copy an audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence, and may prescribe any restrictions or stipulations that the court deems appropriate.
   b. In determining good cause, the court shall consider:
      (I) Whether such disclosure is necessary for the public evaluation of governmental performance;
      (II) The seriousness of the intrusion into the family's right to privacy and whether such disclosure is the least intrusive means available; and
      (III) The availability of similar information in other public records, regardless of form.
   c. In all cases, the viewing, copying, listening to, or other handling of a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence must be under the direct supervision of the custodian of the record or his or her designee.
5. A surviving spouse shall be given reasonable notice of a petition filed with the court to view or copy a photograph or video recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence, or to listen to or copy any such audio recording, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. If there is no surviving spouse, such notice must be given to the parents of the deceased and, if the deceased has no surviving parent, to the adult children of the deceased.
6.
   a. Any custodian of a photograph or video or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence who willfully and knowingly violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
   b. Any person who willfully and knowingly violates a court order issued pursuant to this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
   c. A criminal or administrative proceeding is exempt from this paragraph but, unless otherwise exempted, is subject to all other provisions of chapter 119; however, this paragraph does not prohibit a court in a criminal or administrative proceeding upon good cause shown from restricting or otherwise controlling the disclosure of a killing, crime scene, or similar photograph or video or audio recording in the manner prescribed in this paragraph.
7. The exemption in this paragraph shall be given retroactive application and shall apply to all photographs or video or audio recordings that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence, regardless of whether the killing of the person occurred before, on, or after May 23, 2019. However, nothing in this paragraph is intended to, nor may be construed to, overturn or abrogate or alter any existing orders duly entered into by any court of this state, as of the effective date of this act, which restrict or limit access to any photographs or video or audio recordings that depict or record the killing of a law enforcement officer who was acting in accordance with his or her official duties or the killing of a victim of mass violence.

8. This paragraph applies only to such photographs and video and audio recordings held by an agency.
9. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(q)

1. As used in this paragraph, the term:
   a. "Conviction integrity unit" means a unit within a state attorney's office established for the purpose of reviewing plausible claims of actual innocence.
   b. "Conviction integrity unit reinvestigation information" means information or materials generated during a new investigation by a conviction integrity unit following the unit's formal written acceptance of an applicant's case. The term does not include:
      (I) Information, materials, or records generated by a state attorney's office during an investigation done for the purpose of responding to motions made pursuant to Rule 3.800, Rule 3.850, or Rule 3.853, Florida Rules of Criminal Procedure, or any other collateral proceeding.
      (II) Petitions by applicants to the conviction integrity unit.
      (III) Criminal investigative information generated before the commencement of a conviction integrity unit investigation which is not otherwise exempt from this section.
2. Conviction integrity unit reinvestigation information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a reasonable period of time during an active, ongoing, and good faith investigation of a claim of actual innocence in a case that previously resulted in the conviction of the accused person and until the claim is no longer capable of further investigation. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) SECURITY AND FIRESAFETY.—

(a)

1. As used in this paragraph, the term "security or firesafety system plan" includes all:
   a. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security or firesafety of the facility or revealing security or firesafety systems;
   b. Threat assessments conducted by any agency or any private entity;
   c. Threat response plans;
   d. Emergency evacuation plans;
   e. Sheltering arrangements; or
   f. Manuals for security or firesafety personnel, emergency equipment, or security or firesafety training.
2. A security or firesafety system plan or portion thereof for:
   a. Any property owned by or leased to the state or any of its political subdivisions; or
   b. Any privately owned or leased property

   held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is remedial in nature, and it is the intent of the Legislature that this exemption apply to security or firesafety system plans held by an agency before, on, or after the effective date of this paragraph. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.
3. Information made confidential and exempt by this paragraph may be disclosed:
   a. To the property owner or leaseholder;
   b. In furtherance of the official duties and responsibilities of the agency holding the information;
   c. To another local, state, or federal agency in furtherance of that agency's official duties and responsibilities; or
   d. Upon a showing of good cause before a court of competent jurisdiction.

(b)

1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act.
3. Information made exempt by this paragraph may be disclosed:
   a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
   b. To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or
   c. Upon a showing of good cause before a court of competent jurisdiction.
4. The entities or persons receiving such information shall maintain the exempt status of the information.

(c)

1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, health care facility, or hotel or motel development, which records are held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. This exemption applies to any such records held by an agency before, on, or after the effective date of this act.
3. Information made exempt by this paragraph may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to the owner or owners of the structure in question or the owner's legal representative; or upon a showing of good cause before a court of competent jurisdiction.
4. This paragraph does not apply to comprehensive plans or site plans, or amendments thereto, which are submitted for approval or which have been approved under local land

development regulations, local zoning regulations, or development-of-regional-impact review.

5. As used in this paragraph, the term:

a. "Attractions and recreation facility" means any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility that:

(I) For single-performance facilities:

(A) Provides single-performance facilities; or

(B) Provides more than 10,000 permanent seats for spectators.

(II) For serial-performance facilities:

(A) Provides parking spaces for more than 1,000 motor vehicles; or

(B) Provides more than 4,000 permanent seats for spectators.

b. "Entertainment or resort complex" means a theme park comprised of at least 25 acres of land with permanent exhibitions and a variety of recreational activities, which has at least 1 million visitors annually who pay admission fees thereto, together with any lodging, dining, and recreational facilities located adjacent to, contiguous to, or in close proximity to the theme park, as long as the owners or operators of the theme park, or a parent or related company or subsidiary thereof, has an equity interest in the lodging, dining, or recreational facilities or is in privity therewith. Close proximity includes an area within a 5-mile radius of the theme park complex.

c. "Industrial complex" means any industrial, manufacturing, processing, distribution, warehousing, or wholesale facility or plant, as well as accessory uses and structures, under common ownership that:

(I) Provides onsite parking for more than 250 motor vehicles;

(II) Encompasses 500,000 square feet or more of gross floor area; or

(III) Occupies a site of 100 acres or more, but excluding wholesale facilities or plants that primarily serve or deal onsite with the general public.

d. "Retail and service development" means any retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite and is operated under one common property ownership, development plan, or management that:

(I) Encompasses more than 400,000 square feet of gross floor area; or

(II) Provides parking spaces for more than 2,500 motor vehicles.

e. "Office development" means any office building or park operated under common ownership, development plan, or management that encompasses 300,000 or more square feet of gross floor area.

f. "Health care facility" means a hospital, ambulatory surgical center, nursing home, hospice, or intermediate care facility for the developmentally disabled.

g. "Hotel or motel development" means any hotel or motel development that accommodates 350 or more units.

6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(d)

1. Information relating to the Nationwide Public Safety Broadband Network established pursuant to 47 U.S.C. ss. 1401 et seq., held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if release of such information would reveal:

a. The design, development, construction, deployment, and operation of network facilities;

b. Network coverage, including geographical maps indicating actual or proposed locations of network infrastructure or facilities;

c. The features, functions, and capabilities of network infrastructure and facilities;

d. The features, functions, and capabilities of network services provided to first responders, as defined in s. 112.1815, and other network users;

e. The design, features, functions, and capabilities of network devices provided to first responders and other network users; or

f. Security, including cybersecurity, of the design, construction, and operation of the network and associated services and products.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(e)

1.

a. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. Geographical maps indicating the actual or proposed locations of 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the structural elements of 911, E911, or public safety radio communication system infrastructure or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency, and geographical maps indicating actual or proposed locations of 911, E911, or public safety radio communication system infrastructure or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency, before, on, or after the effective date of this act.

3. Information made exempt by this paragraph may be disclosed:

a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;

b. To a licensed architect, engineer, or contractor who is performing work on or related to the 911, E911, or public safety radio communication system infrastructure, including towers, antennae, equipment or facilities used to provide 911, E911, or public safety radio communication services, or other 911, E911, or public safety radio communication structures or facilities owned and operated by an agency; or

c. Upon a showing of good cause before a court of competent jurisdiction.

4. The entities or persons receiving such information must maintain the exempt status of the information.

5. For purposes of this paragraph, the term "public safety radio" is defined as the means of communication between and among 911 public safety answering points, dispatchers, and first responder agencies using those portions of the radio frequency spectrum designated by the Federal Communications Commission under 47 C.F.R. part 90 for public safety purposes.

6. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

(4) AGENCY PERSONNEL INFORMATION.—

(a)

1. The social security numbers of all current and former agency employees which are held by the employing agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. The social security numbers of current and former agency employees may be disclosed by the employing agency:

a. If disclosure of the social security number is expressly required by federal or state law or a court order.

b. To another agency or governmental entity if disclosure of the social security number is necessary for the receiving agency or entity to perform its duties and responsibilities.

c. If the current or former agency employee expressly consents in writing to the disclosure of his or her social security number.

(b)

1. Medical information pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission or pursuant to court order.

2.

a. Personal identifying information of a dependent child of a current or former officer or employee of an agency, which dependent child is insured by an agency group insurance plan, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this exemption, "dependent child" has the same meaning as in s. 409.2554.

b. This exemption is remedial in nature and applies to such personal identifying information held by an agency before, on, or after the effective date of this exemption.

(c) Any information revealing undercover personnel of any criminal justice agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d)

1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.

a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day

care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

s. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.

a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section are not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

10. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

(5) OTHER PERSONAL INFORMATION.—

(a)

1.

a. The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes.

b. The Legislature recognizes that the social security number can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual.

c. The Legislature intends to monitor the use of social security numbers held by agencies in order to maintain a balanced public policy.

2.

a. An agency may not collect an individual's social security number unless the agency has stated in writing the purpose for its collection and unless it is:

(I) Specifically authorized by law to do so; or

(II) Imperative for the performance of that agency's duties and responsibilities as prescribed by law.

b. An agency shall identify in writing the specific federal or state law governing the collection, use, or release of social security numbers for each purpose for which the agency collects the social security number, including any authorized exceptions that apply to such collection, use, or release. Each agency shall ensure that the collection, use, or release of social security numbers complies with the specific applicable federal or state law.

c. Social security numbers collected by an agency may not be used by that agency for any purpose other than the purpose provided in the written statement.

3. An agency collecting an individual's social security number shall provide that individual with a copy of the written statement required in subparagraph 2. The written statement also shall state whether collection of the individual's social security number is authorized or mandatory under federal or state law.

4. Each agency shall review whether its collection of social security numbers is in compliance with subparagraph 2. If the agency determines that collection of a social security number is not in compliance with subparagraph 2., the agency shall immediately discontinue the collection of social security numbers for that purpose.

5. Social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to social security numbers held by an agency before, on, or after the effective date of this exemption. This exemption does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemption for social security numbers existing prior to May 13, 2002, or created thereafter.

6. Social security numbers held by an agency may be disclosed if any of the following apply:

a. The disclosure of the social security number is expressly required by federal or state law or a court order.

b. The disclosure of the social security number is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.

c. The individual expressly consents in writing to the disclosure of his or her social security number.

d. The disclosure of the social security number is made to comply with the USA Patriot Act of 2001, Pub. L. No. 107-56, or Presidential Executive Order 13224.

e. The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. ss. 6801 et seq., provided that the authorized commercial entity complies with the requirements of this paragraph.

f. The disclosure of the social security number is for the purpose of the administration of health benefits for an agency employee or his or her dependents.

g. The disclosure of the social security number is for the purpose of the administration of a pension fund administered for the agency employee's retirement fund, deferred compensation plan, or defined contribution plan.

h. The disclosure of the social security number is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.

7.

a. For purposes of this subsection, the term:

(I) "Commercial activity" means the permissible uses set forth in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. ss. 6801 et seq., or verification of the accuracy of personal information received by a commercial entity in the normal course of its business, including identification or prevention of fraud or matching, verifying, or retrieving information. It does not include the display or bulk sale of social security numbers to the public or the distribution of such numbers to any customer that is not identifiable by the commercial entity.

(II) "Commercial entity" means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state.

b. An agency may not deny a commercial entity engaged in the performance of a commercial activity access to social security numbers, provided the social security numbers will be used only in the performance of a commercial activity and provided the commercial entity makes a written request for the social security numbers. The written request must:

(I) Be verified as provided in s. 92.525;

(II) Be legibly signed by an authorized officer, employee, or agent of the commercial entity;

(III) Contain the commercial entity's name, business mailing and location addresses, and business telephone number; and

(IV) Contain a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the performance of a commercial activity, including the identification of any specific federal or state law that permits such use.

c. An agency may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers will be used.

8.

a. Any person who makes a false representation in order to obtain a social security number pursuant to this paragraph, or any person who willfully and knowingly violates this paragraph, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

b. Any public officer who violates this paragraph commits a noncriminal infraction, punishable by a fine not exceeding $500 per violation.

9. Any affected person may petition the circuit court for an order directing compliance with this paragraph.

(b) Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to bank account numbers and debit, charge, and credit card numbers held by an agency before, on, or after the effective date of this exemption.

(c)

1. For purposes of this paragraph, the term:

a. "Child" means any person younger than 18 years of age.

b. "Government-sponsored recreation program" means a program for which an agency assumes responsibility for a child participating in that program, including, but not limited to, after-school programs, athletic programs, nature programs, summer camps, or other recreational programs.

2. Information that would identify or locate a child who participates in a government-sponsored recreation program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3. Information that would identify or locate a parent or guardian of a child who participates in a government-sponsored recreation program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

4. This exemption applies to records held before, on, or after the effective date of this exemption.

(d) All records supplied by a telecommunications company, as defined by s. 364.02, to an agency which contain the name, address, and telephone number of subscribers are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) Any information provided to an agency for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing, as defined in s. 341.031, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(f)

1. The following information held by the Department of Economic Opportunity, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Medical history records and information related to health or property insurance provided by an applicant for or a participant in a federal, state, or local housing assistance program.

b. Property photographs and personal identifying information of an applicant for or a participant in a federal, state, or local housing assistance program for the purpose of disaster recovery assistance for a presidentially declared disaster.

2. Governmental entities or their agents shall have access to such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs.

3. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.
4. Sub-subparagraph 1.b. is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

(g) Biometric identification information held by an agency before, on, or after the effective date of this exemption is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term "biometric identification information" means:
1. Any record of friction ridge detail;
2. Fingerprints;
3. Palm prints; and
4. Footprints.

(h)
1. Personal identifying information of an applicant for or a recipient of paratransit services which is held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. This exemption applies to personal identifying information of an applicant for or a recipient of paratransit services which is held by an agency before, on, or after the effective date of this exemption.
3. Confidential and exempt personal identifying information shall be disclosed:
   a. With the express written consent of the applicant or recipient or the legally authorized representative of such applicant or recipient;
   b. In a medical emergency, but only to the extent that is necessary to protect the health or life of the applicant or recipient;
   c. By court order upon a showing of good cause; or
   d. To another agency in the performance of its duties and responsibilities.

(i)
1. For purposes of this paragraph, "identification and location information" means the:
   a. Home address, telephone number, and photograph of a current or former United States attorney, assistant United States attorney, judge of the United States Courts of Appeal, United States district judge, or United States magistrate;
   b. Home address, telephone number, photograph, and place of employment of the spouse or child of such attorney, judge, or magistrate; and
   c. Name and location of the school or day care facility attended by the child of such attorney, judge, or magistrate.
2. Identification and location information held by an agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if such attorney, judge, or magistrate submits to an agency that has custody of the identification and location information:
   a. A written request to exempt such information from public disclosure; and
   b. A written statement that he or she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public.

(j) Any information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to information held by an agency before, on, or after the effective date of this exemption.

119.0711 Executive branch agency exemptions from inspection or copying of public records.—
When an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain, all appraisals, other reports relating to value, offers, and counteroffers must be in writing and are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until execution of a valid option contract or a written offer to sell that has been conditionally accepted by the agency, at which time the exemption shall expire. The agency shall not finally accept the offer for a period of 30 days in order to allow public review of the transaction. The agency may give conditional acceptance to any option or offer subject only to final acceptance by the agency after the 30-day review period. If a valid option contract is not executed, or if a written offer to sell is not conditionally accepted by the agency, then the exemption shall expire at the conclusion of the condemnation litigation of the subject property. An agency of the executive branch may exempt title information, including names and addresses of property owners whose property is subject to acquisition by purchase or through the exercise of the power of eminent domain, from s. 119.07(1) and s. 24(a), Art. I of the State Constitution to the same extent as appraisals, other reports relating to value, offers, and counteroffers. For the purpose of this subsection, the term "option contract" means an agreement of an agency of the executive branch of state government to purchase real property subject to final agency approval. This subsection has no application to other exemptions from s. 119.07(1) which are contained in other provisions of law and shall not be construed to be an express or implied repeal thereof.

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—
(1) DEPARTMENT OF HEALTH.—All personal identifying information contained in records relating to an individual's personal health or eligibility for health-related services held by the Department of Health is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in this subsection. Information made confidential and exempt by this subsection shall be disclosed:
(a) With the express written consent of the individual or the individual's legally authorized representative.
(b) In a medical emergency, but only to the extent necessary to protect the health or life of the individual.
(c) By court order upon a showing of good cause.
(d) To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data-use agreement with the department, the fee provisions of which are consistent with s. 119.07(4). The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, is administratively burdensome, or does not have scientific merit. The agreement must restrict the release of any information that would permit the identification of persons, limit the use of

records or data to the approved research protocol, and prohibit any other use of the records or data. Copies of records or data issued pursuant to this paragraph remain the property of the department.

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

(a) For purposes of this subsection, the term "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles.

(b) Personal information, including highly restricted personal information as defined in 18 U.S.C. s. 2725, contained in a motor vehicle record is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Such information may be released only as authorized by that act; however, information received pursuant to that act may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers.

(c) E-mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), or s. 322.08(10) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively.

(d)

1. Emergency contact information contained in a motor vehicle record is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. Without the express consent of the person to whom such emergency contact information applies, the emergency contact information contained in a motor vehicle record may be released only to law enforcement agencies for purposes of contacting those listed in the event of an emergency.

(e) Any person who uses or releases any information contained in the Driver and Vehicle Information Database for a purpose not specifically authorized by law commits a noncriminal infraction, punishable by a fine not exceeding $2,000.

(f)

1. Secure login credentials held by the Department of Highway Safety and Motor Vehicles are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to secure login credentials held by the department before, on, or after the effective date of the exemption. For purposes of this subparagraph, the term "secure login credentials" means information held by the department for purposes of authenticating a user logging into a user account on a computer, a computer system, a computer network, or an electronic device; an online user account accessible over the Internet, whether through a mobile device, a website, or any other electronic means; or information used for authentication or password recovery.
2. Internet protocol addresses, geolocation data, and other information held by the Department of Highway Safety and Motor Vehicles which describes the location, computer, computer system, or computer network from which a user accesses a public-facing portal, and the dates and times that a user accesses a public-facing portal, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held by the department before, on, or after the effective date of the exemption. For purposes of this subparagraph, the term "public-facing portal" means a web portal or computer application accessible by the public over the Internet, whether through a mobile device, website, or other electronic means, which is established for administering chapter 319, chapter 320, chapter 322, chapter 328, or any other provision of law conferring duties upon the department.
3. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) OFFICE OF FINANCIAL REGULATION.—

The following information held by the Office of Financial Regulation before, on, or after July 1, 2011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Any information received from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law.

(b) Any information that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency. The office may obtain and use the information in accordance with the conditions imposed by the joint or multiagency agreement. This exemption does not apply to information obtained or developed by the office that would otherwise be available for public inspection if the office had conducted an independent examination or investigation under Florida law.

(4) DEPARTMENT OF MILITARY AFFAIRS.—

Information held by the Department of Military Affairs that is stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communications device, or pertaining to the United States Department of Defense, pursuant to 10 U.S.C. s. 394, is exempt from s. 119.07(1) and s. 24(a) of Art. I of the State Constitution. Any information not made exempt by this subsection may be disclosed only after the department makes any redactions in accordance with applicable federal and state laws. This exemption applies to information made exempt by this subsection which is held by the department before, on, or after the effective date of the exemption. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

119.0713 Local government agency exemptions from inspection or copying of public records.—

(1) All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the financing of housing are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision does not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency that is authorized to access such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties. This subsection does not modify or repeal any special or local act.

(2)

(a) As used in this subsection, the term "unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law.

(b) The audit report of an internal auditor and the investigative report of the inspector general prepared for or on behalf of a unit of local government becomes a public record when the audit or investigation becomes final. An audit or investigation becomes final when the audit report or investigative report is presented to the unit of local government. Audit workpapers and notes related to such audit and information received, produced, or derived from an investigation are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the audit or investigation is complete and the audit report becomes final or when the investigation is no longer active. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

(3) Any data, record, or document used directly or solely by a municipally owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption commences when a municipal utility identifies in writing a specific bid to which it intends to respond. This exemption no longer applies after the contract for sale, distribution, or use of the service, commodity, or tangible personal property is executed, a decision is made not to execute such contract, or the project is no longer under active consideration. The exemption in this subsection includes the bid documents actually furnished in response to the request for bids. However, the exemption for the bid documents submitted no longer applies after the bids are opened by the customer or prospective customer.

(4)

(a) Proprietary confidential business information means information, regardless of form or characteristics, which is held by an electric utility that is subject to this chapter, is intended to be and is treated by the entity that provided the information to the electric utility as private in that the disclosure of the information would cause harm to the entity providing the information or its business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes:

1. Trade secrets, as defined in s. 688.002.
2. Internal auditing controls and reports of internal auditors.
3. Security measures, systems, or procedures.
4. Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the electric utility to contract for goods or services on favorable terms.
5. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

(b) Proprietary confidential business information held by an electric utility that is subject to this chapter in conjunction with a due diligence review of an electric project as defined in s. 163.01(3)(d) or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(c) All proprietary confidential business information described in paragraph (b) shall be retained for 1 year after the due diligence review has been completed and the electric utility has decided whether or not to participate in the project.

(5)

(a) The following information held by a utility owned or operated by a unit of local government is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Information related to the security of the technology, processes, or practices of a utility owned or operated by a unit of local government that are designed to protect the utility's networks, computers, programs, and data from attack, damage, or unauthorized access, which information, if disclosed, would facilitate the alteration, disclosure, or destruction of such data or information technology resources.
2. Information related to the security of existing or proposed information technology systems or industrial control technology systems of a utility owned or operated by a unit of local government, which, if disclosed, would facilitate unauthorized access to, and alteration or destruction of, such systems in a manner that would adversely impact the safe and reliable operation of the systems and the utility.
3. Customer meter-derived data and billing information in increments less than one billing cycle.

(b) This exemption applies to such information held by a utility owned or operated by a unit of local government before, on, or after the effective date of this exemption.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

119.0714 Court files; court records; official records.—

(1) COURT FILES.—Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:

(a) A public record that was prepared by an agency attorney or prepared at the attorney's express direction as provided in s. 119.071(1)(d).

(b) Data processing software as provided in s. 119.071(1)(f).

(c) Any information revealing surveillance techniques or procedures or personnel as provided in s. 119.071(2)(d).

(d) Any comprehensive inventory of state and local law enforcement resources, and any comprehensive policies or plans compiled by a criminal justice agency, as provided in s. 119.071(2)(d).

(e) Any information revealing the substance of a confession of a person arrested as provided in s. 119.071(2)(e).

(f) Any information revealing the identity of a confidential informant or confidential source as provided in s. 119.071(2)(f).

(g) Any information revealing undercover personnel of any criminal justice agency as provided in s. 119.071(4)(c).

(h) Criminal intelligence information or criminal investigative information that is confidential and exempt as provided in s. 119.071(2)(h) or (m).

(i) Social security numbers as provided in s. 119.071(5)(a).

(j) Bank account numbers and debit, charge, and credit card numbers as provided in s. 119.071(5)(b).

(k)

1. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued on or after July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. A petition, and the contents thereof, for an injunction for protection against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking that is dismissed without a hearing, dismissed at an ex parte hearing due to failure to state a claim or lack of jurisdiction, or dismissed for any reason having to do with the sufficiency of the petition itself without an injunction being issued before July 1, 2017, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution only upon request by an individual named in the petition as a respondent. The request must be in the form of a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, or electronic transmission or in person to the clerk of the court. A fee may not be charged for such request.
3. Any information that can be used to identify a petitioner or respondent in a petition for an injunction against domestic violence, repeat violence, dating violence, sexual violence, stalking, or cyberstalking, and any affidavits, notice of hearing, and temporary injunction, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the respondent has been personally served with a copy of the petition for injunction, affidavits, notice of hearing, and temporary injunction.

(2) COURT RECORDS.—

(a) Until January 1, 2012, if a social security number or a bank account, debit, charge, or credit card number is included in a court file, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of such number or by the holder's attorney or legal guardian.

(b) A request for redaction must be a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, electronic transmission, or in person to the clerk of the court. The clerk of the court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction.

(c) A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.

(d) The clerk of the court has no liability for the inadvertent release of social security numbers, or bank account, debit, charge, or credit card numbers, unknown to the clerk of the court in court records filed on or before January 1, 2012.

(e)

1. The clerk of the court must keep social security numbers confidential and exempt as provided for in s. 119.071(5)(a), and bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.071(5)(b), without any person having to request redaction.
2. Section 119.071(5)(a)7. and 8. does not apply to the clerks of the court with respect to court records.

(f) A request for maintenance of a public records exemption in s. 119.071(4)(d)2. made pursuant to s. 119.071(4)(d)3. must specify the document type, name, identification number, and page number of the court record that contains the exempt information.

(g) The clerk of the court is not liable for the release of information that is required by the Florida Rules of Judicial Administration to be identified by the filer as confidential if the filer fails to make the required identification of the confidential information to the clerk of the court.

(3) OFFICIAL RECORDS.—

A person who prepares or files a record for recording in the official records as provided in chapter 28 may not include in that record a social security number or a bank account, debit, charge, or credit card number unless otherwise expressly required by law.

(a) If a social security number or a bank account, debit, charge, or credit card number is included in an official record, such number may be made available as part of the official records available for public inspection and copying unless redaction is requested by the holder of such number or by the holder's attorney or legal guardian.

1. If such record is in electronic format, on January 1, 2011, and thereafter, the county recorder must use his or her best effort, as provided in paragraph (d), to keep social security numbers confidential and exempt as provided for in s. 119.071(5)(a), and to keep complete bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.071(5)(b), without any person having to request redaction.
2. Section 119.071(5)(a)7. and 8. does not apply to the county recorder with respect to official records.

(b) The holder of a social security number or a bank account, debit, charge, or credit card number, or the holder's attorney or legal guardian, may request that a county recorder redact from an image or copy of an official record placed on a county recorder's publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records, or otherwise made electronically available to the public, his or her social security number or bank account, debit, charge, or credit card number contained in that official record.

1. A request for redaction must be a signed, legibly written request and must be delivered by mail, facsimile, electronic transmission, or in person to the county recorder. The request must specify the identification page number of the record that contains the number to be redacted.
2. The county recorder does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction.
3. A fee may not be charged for redacting a social security number or a bank account, debit, charge, or credit card number.

(c) A county recorder shall immediately and conspicuously post signs throughout his or her offices for public viewing, and shall immediately and conspicuously post on any Internet website or remote electronic site made available by the county recorder and used for the ordering or display of official records or images or copies of official records, a notice stating, in substantially similar form, the following:

1. On or after October 1, 2002, any person preparing or filing a record for recordation in the official records may not include a social security number or a bank account, debit, charge, or credit card number in such document unless required by law.

2. Any person has a right to request a county recorder to remove from an image or copy of an official record placed on a county recorder's publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records, or otherwise made electronically available to the general public, any social security number contained in an official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. A fee may not be charged for the redaction of a social security number pursuant to such a request.

(d) If the county recorder accepts or stores official records in an electronic format, the county recorder must use his or her best efforts to redact all social security numbers and bank account, debit, charge, or credit card numbers from electronic copies of the official record. The use of an automated program for redaction is deemed to be the best effort in performing the redaction and is deemed in compliance with the requirements of this subsection.

(e) The county recorder is not liable for the inadvertent release of social security numbers, or bank account, debit, charge, or credit card numbers, filed with the county recorder.

(f) A request for maintenance of a public records exemption in s. 119.071(4)(d)2. made pursuant to s. 119.071(4)(d)3. must specify the document type, name, identification number, and page number of the official record that contains the exempt information.

119.0715 Trade secrets held by an agency.—

(1) DEFINITION.—"Trade secret" has the same meaning as in s. 688.002.

(2) PUBLIC RECORD EXEMPTION.—A trade secret held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) AGENCY ACCESS.—An agency may disclose a trade secret to an officer or employee of another agency or governmental entity whose use of the trade secret is within the scope of his or her lawful duties and responsibilities.

(4) LIABILITY.—An agency employee who, while acting in good faith and in the performance of his or her duties, releases a record containing a trade secret pursuant to this chapter is not liable, civilly or criminally, for such release.

(5) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

119.084 Copyright of data processing software created by governmental agencies; sale price and licensing fee.—

(1) As used in this section, "agency" has the same meaning as in s. 119.011(2), except that the term does not include any private agency, person, partnership, corporation, or business entity.

(2) An agency is authorized to acquire and hold a copyright for data processing software created by the agency and to enforce its rights pertaining to such copyright, provided that the agency complies with the requirements of this subsection.

(a) An agency that has acquired a copyright for data processing software created by the agency may sell or license the copyrighted data processing software to any public agency or private person. The agency may establish a price for the sale and a licensing fee for the use of such data processing software that may be based on market considerations. However, the prices or fees for the sale or licensing of copyrighted data processing software to an individual or entity solely for application to information maintained or generated by the agency that created the copyrighted data processing software shall be determined pursuant to s. 119.07(4).

(b) Proceeds from the sale or licensing of copyrighted data processing software shall be deposited by the agency into a trust fund for the agency's appropriate use for authorized purposes. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used.

(c) The provisions of this subsection are supplemental to, and shall not supplant or repeal, any other provision of law that authorizes an agency to acquire and hold copyrights.

119.10 Violation of chapter; penalties.—

(1) Any public officer who:

(a) Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding $500.

(b) Knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any person who willfully and knowingly violates:

(a) Any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Section 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

119.11 Accelerated hearing; immediate compliance.—

(1) Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.

(2) Whenever a court orders an agency to open its records for inspection in accordance with this chapter, the agency shall comply with such order within 48 hours, unless otherwise provided by the court issuing such order, or unless the appellate court issues a stay order within such 48-hour period.

(3) A stay order shall not be issued unless the court determines that there is a substantial probability that opening the records for inspection will result in significant damage.

(4) Upon service of a complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of this chapter, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption or the assertion that the requested record is not a public record subject to inspection and examination under s. 119.07(1), until the court directs otherwise. The person who has custody of such public record may, however, at any time permit inspection of the requested record as provided in s. 119.07(1) and other provisions of law.

119.12 Attorney fees.—

(1) If a civil action is filed against an agency to enforce the provisions of this chapter, the court shall assess and award the reasonable costs of enforcement, including reasonable attorney fees, against the responsible agency if the court determines that:
(a) The agency unlawfully refused to permit a public record to be inspected or copied; and
(b) The complainant provided written notice identifying the public record request to the agency's custodian of public records at least 5 business days before filing the civil action, except as provided under subsection (2). The notice period begins on the day the written notice of the request is received by the custodian of public records, excluding Saturday, Sunday, and legal holidays, and runs until 5 business days have elapsed.

(2) The complainant is not required to provide written notice of the public record request to the agency's custodian of public records as provided in paragraph (1)(b) if the agency does not prominently post the contact information for the agency's custodian of public records in the agency's primary administrative building in which public records are routinely created, sent, received, maintained, and requested and on the agency's website, if the agency has a website.

(3) The court shall determine whether the complainant requested to inspect or copy a public record or participated in the civil action for an improper purpose. If the court determines there was an improper purpose, the court may not assess and award the reasonable costs of enforcement, including reasonable attorney fees, to the complainant, and shall assess and award against the complainant and to the agency the reasonable costs, including reasonable attorney fees, incurred by the agency in responding to the civil action. For purposes of this subsection, the term "improper purpose" means a request to inspect or copy a public record or to participate in the civil action primarily to cause a violation of this chapter or for a frivolous purpose.

(4) This section does not create a private right of action authorizing the award of monetary damages for a person who brings an action to enforce the provisions of this chapter. Payments by the responsible agency may include only the reasonable costs of enforcement, including reasonable attorney fees, directly attributable to a civil action brought to enforce the provisions of this chapter.

119.15 Legislative review of exemptions from public meeting and public records requirements.—

(1) This section may be cited as the "Open Government Sunset Review Act."

(2) This section provides for the review and repeal or reenactment of an exemption from s. 24, Art. I of the State Constitution and s. 119.07(1) or s. 286.011. This act does not apply to an exemption that:
(a) Is required by federal law; or
(b) Applies solely to the Legislature or the State Court System.

(3) In the 5th year after enactment of a new exemption or substantial amendment of an existing exemption, the exemption shall be repealed on October 2nd of the 5th year, unless the Legislature acts to reenact the exemption.

(4)
(a) A law that enacts a new exemption or substantially amends an existing exemption must state that the record or meeting is:
1. Exempt from s. 24, Art. I of the State Constitution;
2. Exempt from s. 119.07(1) or s. 286.011; and
3. Repealed at the end of 5 years and that the exemption must be reviewed by the Legislature before the scheduled repeal date.

(b) For purposes of this section, an exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.

(c) This section is not intended to repeal an exemption that has been amended following legislative review before the scheduled repeal of the exemption if the exemption is not substantially amended as a result of the review.

(5)
(a) By June 1 in the year before the repeal of an exemption under this section, the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.

(b) An exemption that is not identified and certified to the President of the Senate and the Speaker of the House of Representatives is not subject to legislative review and repeal under this section. If the office fails to certify an exemption that it subsequently determines should have been certified, it shall include the exemption in the following year's certification after that determination.

(6)
(a) As part of the review process, the Legislature shall consider the following:
1. What specific records or meetings are affected by the exemption?
2. Whom does the exemption uniquely affect, as opposed to the general public?
3. What is the identifiable public purpose or goal of the exemption?
4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
5. Is the record or meeting protected by another exemption?
6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

(b) An exemption may be created, revised, or maintained only if it serves an identifiable public purpose, and the exemption may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of the following purposes and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption:
1. Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
2. Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted; or
3. Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information

which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(7) Records made before the date of a repeal of an exemption under this section may not be made public unless otherwise provided by law. In deciding whether the records shall be made public, the Legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exemption of the type specified in subparagraph (6)(b)2. or subparagraph (6)(b)3. would occur if the records were made public.

(8) Notwithstanding s. 768.28 or any other law, neither the state or its political subdivisions nor any other public body shall be made party to any suit in any court or incur any liability for the repeal or revival and reenactment of an exemption under this section. The failure of the Legislature to comply strictly with this section does not invalidate an otherwise valid reenactment.

Annual Financial Audit Reports · 218.39 Florida Statutes

Effective July 1, 2021

The following statute talks about the requirements for the annual audit that each charter school must complete.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0218/Sections/0218.39.html

218.39 Annual financial audit reports.—

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(a) Each county.

(b) Any municipality with revenues or the total of expenditures and expenses in excess of $250,000, as reported on the fund financial statements.

(c) Any special district with revenues or the total of expenditures and expenses in excess of $100,000, as reported on the fund financial statements.

(d) Each district school board.

(e) Each charter school established under s. 1002.33.

(f) Each charter technical center established under s. 1002.34.

(g) Each municipality with revenues or the total of expenditures and expenses between $100,000 and $250,000, as reported on the fund financial statements, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(h) As required by s. 163.387(8)(a), each community redevelopment agency with revenues or a total of expenditures and expenses in excess of $100,000, as reported on the trust fund financial statements.

(i) Each special district with revenues or the total of expenditures and expenses between $50,000 and $100,000, as reported on the fund financial statement, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.

(2) The county audit report must be a single document that includes a financial audit of the county as a whole and, for each county agency other than a board of county commissioners, an audit of its financial accounts and records, including reports on compliance and internal control, management letters, and financial statements as required by rules adopted by the Auditor General. In addition, if a board of county commissioners elects to have a separate audit of its financial accounts and records in the manner required by rules adopted by the Auditor General for other county agencies, the separate audit must be included in the county audit report.

(3)

(a) A dependent special district, excluding a community redevelopment agency with revenues or a total of expenditures and expenses in excess of $100,000, as reported on the trust fund financial statements, may provide for an annual financial audit by being included in the audit of the local governmental entity upon which it is dependent. An independent special district may not make provision for an annual financial audit by being included in the audit of another local governmental entity.

(b) A special district that is a component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a reasonable time period as established by the local governmental entity, with financial information necessary to comply with this section. The failure of a component unit to provide this financial information must be noted in the annual financial audit report of the local governmental entity.

(c) The financial audit of a dependent special district or of an independent special district, or the financial audit of a local governmental entity that includes the information of a dependent special district as provided in paragraph (a), shall separately include and specify the information required in s. 218.32(1)(e)2.-5.

(4) A management letter shall be prepared and included as a part of each financial audit report.

(5) At the conclusion of the audit, the auditor shall discuss with the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, all of the auditor's comments that will be included in the audit report. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his or her office. The auditor shall notify each member of the governing body of a local governmental entity, district school board, charter school, or charter technical career center for which:

(a) Deteriorating financial conditions exist that may cause a condition described in s. 218.503(1) to occur if actions are not taken to address such conditions.

(b) A fund balance deficit in total or a deficit for that portion of a fund balance not classified as restricted, committed, or nonspendable, or a total or unrestricted net assets deficit, as reported on the fund financial statements of entities required to report under governmental financial reporting standards or on the basic financial statements of entities required to report under not-for-profit financial reporting standards, for which sufficient resources of the local governmental entity, charter school, charter technical career center, or district school board, as reported on the fund financial statements, are not available to cover the deficit. Resources available to cover reported deficits include fund balance or net assets that are not otherwise restricted by federal, state, or local laws, bond covenants,

contractual agreements, or other legal constraints. Property, plant, and equipment, the disposal of which would impair the ability of a local governmental entity, charter school, charter technical career center, or district school board to carry out its functions, are not considered resources available to cover reported deficits.

(6) The officer's written statement of explanation or rebuttal concerning the auditor's findings, including corrective action to be taken, must be filed with the governing body of the local governmental entity, district school board, charter school, or charter technical career center within 30 days after the delivery of the auditor's findings.

(7) All audits conducted pursuant to this section must be conducted in accordance with the rules of the Auditor General adopted pursuant to s. 11.45. Upon completion of the audit, the auditor shall prepare an audit report in accordance with the rules of the Auditor General. The audit report shall be filed with the Auditor General within 45 days after delivery of the audit report to the governing body of the audited entity, but no later than 9 months after the end of the audited entity's fiscal year. The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the audit report.

(8) The Auditor General shall notify the Legislative Auditing Committee of any audit report prepared pursuant to this section which indicates that an audited entity has failed to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports.

(a) The committee may direct the governing body of the audited entity to provide a written statement to the committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.

(b) If the committee determines that the written statement is not sufficient, it may require the chair of the governing body of the local governmental entity or the chair's designee, the elected official of each county agency or the elected official's designee, the chair of the district school board or the chair's designee, the chair of the board of the charter school or the chair's designee, or the chair of the board of the charter technical career center or the chair's designee, as appropriate, to appear before the committee.

(c) If the committee determines that an audited entity has failed to take full corrective action for which there is no justifiable reason for not taking such action, or has failed to comply with committee requests made pursuant to this section, the committee may proceed in accordance with s. 11.40(2).

(9) The predecessor auditor of a district school board shall provide the Auditor General access to the prior year's working papers in accordance with the Statements on Auditing Standards, including documentation of planning, internal control, audit results, and other matters of continuing accounting and auditing significance, such as the working paper analysis of balance sheet accounts and those relating to contingencies.

(10) Each charter school and charter technical career center must file a copy of its audit report with the sponsoring entity; the local district school board, if not the sponsoring entity; the Auditor General; and with the Department of Education.

(11) This section does not apply to housing authorities created under chapter 421.

(12) Notwithstanding the provisions of any local law, the provisions of this section shall govern.

Auditor Selection Procedures · 218.391 Florida Statutes

Effective July 1, 2019

The following statues provide requirements for the selection of an auditor which charter schools must abide by when selecting who will conduct the annual audit.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0218/Sections/0218.391.html

218.391 Auditor selection procedures.—

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a county, municipality, special district, district school board, charter school, or charter technical career center shall establish an auditor selection committee.

(a) The auditor selection committee for a county must, at a minimum, consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution or their respective designees and one member of the board of county commissioners or its designee.

(b) The auditor selection committee for a municipality, special district, district school board, charter school, or charter technical career center must consist of at least three members. One member of the auditor selection committee must be a member of the governing body of an entity specified in this paragraph, who shall serve as the chair of the committee.

(c) An employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an auditor selection committee established under this subsection; however, an employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may serve in an advisory capacity.

(d) The primary purpose of the auditor selection committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the committee may serve other audit oversight purposes as determined by the entity's governing body. The public may not be excluded from the proceedings under this section.

(3) The auditor selection committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph (a). If fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the auditor selection committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

(9) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity must again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years.

Determination of Financial Emergency · 218.503 Florida Statutes

Effective July 1, 2019

The following statute lays out what constitutes a financial emergency.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0218/Sections/0218.503.html

218.503 Determination of financial emergency.—

(1) Local governmental entities, charter schools, charter technical career centers, and district school boards shall be subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education, as appropriate, when any one of the following conditions occurs:

(a) Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of a lack of funds.

(b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.

(c) Failure to transfer at the appropriate time, due to lack of funds:
1. Taxes withheld on the income of employees; or
2. Employer and employee contributions for:
   a. Federal social security; or
   b. Any pension, retirement, or benefit plan of an employee.

(d) Failure for one pay period to pay, due to lack of funds:
1. Wages and salaries owed to employees; or
2. Retirement benefits owed to former employees.

(2) A local governmental entity shall notify the Governor and the Legislative Auditing Committee; a charter school shall notify the charter school sponsor, the Commissioner of Education, and the Legislative Auditing Committee; a charter technical career center shall notify the charter technical career center sponsor, the Commissioner of Education, and the Legislative Auditing Committee; and a district school board shall notify the Commissioner of Education and the Legislative Auditing Committee, when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, charter technical career center, or district school board. In addition, any state agency must, within 30 days after a determination that one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, charter technical career center, or district school board, notify the Governor, charter school sponsor, charter technical career center sponsor, or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(3) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity or district school board, the Governor or his or her designee shall contact the local governmental entity or the Commissioner of Education or his or her designee shall contact the district school board, as appropriate, to determine what actions have been taken by the local governmental entity or the district school board to resolve or prevent the condition. The information requested must be provided within 45 days after the date of the request. If the local governmental entity or the district school board does not comply with the request, the Governor or his or her designee or the Commissioner of Education or his or her designee shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2). The Governor or the Commissioner of Education, as appropriate, shall determine whether the local governmental entity or the district school board needs state assistance to resolve or prevent the condition. If state assistance is needed, the local governmental entity or district school board is considered to be in a state of financial emergency. The Governor or the Commissioner of Education, as appropriate, has the authority to implement measures as set forth in ss. 218.50-218.504 to assist the local governmental entity or district school board in resolving the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor or approval of the district school board's budget by the Commissioner of Education.

(b) Authorizing a state loan to a local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity or district school board from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity or district school board as are needed. The appropriate local officials shall cooperate in such inspections and reviews.

(e) Consulting with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity or the district school board.

(g)
1. Establishing a financial emergency board to oversee the activities of the local governmental entity or the district school board. If a financial emergency board is established for a local governmental entity, the Governor shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair. The financial emergency board shall adopt such rules as are necessary for conducting board business. The board may:
   a. Make such reviews of records, reports, and assets of the local governmental entity or the district school board as are needed.
   b. Consult with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity or the district school board into compliance with state requirements.
   c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity or the district school board.
   d. Consult with other governmental entities for the consolidation of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.
2. The recommendations and reports made by the financial emergency board must be submitted to the Governor for local governmental entities or to the Commissioner of Education and the State Board of Education for district school boards for appropriate action.

(h) Requiring and approving a plan, to be prepared by officials of the local governmental entity or the district school board in consultation with the appropriate state officials, prescribing actions that will cause the local governmental entity or district school board to no longer be subject to this section. The plan must include, but need not be limited to:
1. Provision for payment in full of obligations outlined in subsection (1), designated as priority items, which are currently due or will come due.

2. Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.
3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.
4. Provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

(4)

(a) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the charter school, the charter school sponsor or the sponsor's designee and the Commissioner of Education shall contact the charter school governing body to determine what actions have been taken by the charter school governing body to resolve or prevent the condition. The Commissioner of Education has the authority to require and approve a financial recovery plan, to be prepared by the charter school governing body, prescribing actions that will resolve or prevent the condition.

(b) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the charter technical career center, the charter technical career center sponsor or the sponsor's designee and the Commissioner of Education shall contact the charter technical career center governing body to determine what actions have been taken by the governing body to resolve or prevent the condition. The Commissioner of Education may require and approve a financial recovery plan, to be prepared by the charter technical career center governing body, prescribing actions that will resolve or prevent the condition.

(c) The Commissioner of Education shall determine if the charter school or charter technical career center needs a financial recovery plan to resolve the condition. If the Commissioner of Education determines that a financial recovery plan is needed, the charter school or charter technical career center is considered to be in a state of financial emergency.

The Department of Education, with the involvement of sponsors, charter schools, and charter technical career centers, shall establish guidelines for developing a financial recovery plan.

(5) A local governmental entity or district school board may not seek application of laws under the bankruptcy provisions of the United States Constitution except with the prior approval of the Governor for local governmental entities or the Commissioner of Education for district school boards.

(6) The failure of the members of the governing body of a local governmental entity or the failure of the members of a district school board to resolve a state of financial emergency constitutes malfeasance, misfeasance, and neglect of duty for purposes of s. 7, Art. IV of the State Constitution.

Teacher Salary Increase · 1011.62(16) Florida Statutes

Effective July 1, 2021

The following statute was initially implemented in 2020 regarding the state working to increase the teacher starting salary in Florida's schools. If charter schools wish to receive the Teacher Salary Increase Allocation funds, they must abide by this statute.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=classroom+teacher+salary&URL=1000-1099/1011/Sections/1011.62.html

1011.62 Funds for operation of schools.—

...

(16) TEACHER SALARY INCREASE ALLOCATION.—

The Legislature may annually provide in the Florida Education Finance Program a teacher salary increase allocation to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel. The amount of the allocation shall be specified in the General Appropriations Act.

(a) Each school district shall receive an allocation based on the school district's proportionate share of the base FEFP allocation. Each school district shall provide each charter school within its district its proportionate share calculated pursuant to s. 1002.33(17)(b).

(b) Allocation funds are restricted in use as follows:

1. Each school district and charter school shall use its share of the allocation to increase the minimum base salary for full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers funded in the Florida Education Finance Program, to at least $47,500, or to the maximum amount achievable based on the allocation and as specified in the General Appropriations Act. The term "minimum base salary" means the lowest annual base salary reported on the salary schedule for a full-time classroom teacher. No full-time classroom teacher shall receive a salary less than the minimum base salary as adjusted by this subparagraph. This subparagraph does not apply to substitute teachers.

2. In addition, each school district shall use its share of the allocation to provide salary increases, as funding permits, for the following personnel:

a. Full-time classroom teachers, as defined in s. 1012.01(2)(a), plus certified prekindergarten teachers

funded in the Florida Education Finance Program, who did not receive an increase or who received an increase of less than 2 percent under subparagraph 1. or as specified in the General Appropriations Act. This subparagraph does not apply to substitute teachers.

b. Other full-time instructional personnel as defined in s. 1012.01(2)(b)-(d).

3. A school district or charter school may use funds available after the requirements of subparagraph 1. are met to provide salary increases pursuant to subparagraph 2.

4. A school district or charter school shall maintain the minimum base salary achieved for classroom teachers provided under subparagraph 1. and may not reduce the salary increases provided under subparagraph 2. in any subsequent fiscal year, unless specifically authorized in the General Appropriations Act.

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

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

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

(d) In a format specified by the department, provide as follows:

1. By December 1, each school district shall provide a preliminary report to the department that includes a detailed summary explaining the school district's planned expenditure of the entire allocation for the district received pursuant to paragraph (a), the amount of the increase to the minimum base salary for classroom teachers pursuant to paragraph (b), and the school district's salary schedule for the prior fiscal year and the fiscal year in which the base salary is increased. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's preliminary report to the department.

2. By February 1, the department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a statewide report on the planned expenditure of the teacher salary increase allocation, which includes the detailed summary provided by each school district and charter school.

3. By August 1, each school district shall provide a final report to the department with the information required in subparagraph 1. for the prior fiscal year. Each charter school governing board shall submit the information required under this subparagraph to the district school board for inclusion in the school district's final report to the department.

(e) Although district school boards and charter school governing boards are not precluded from bargaining over wages, the teacher salary increase allocation must be used solely to comply with the requirements of this section. A district school board or charter school governing board that is unable to meet the reporting requirements specified in paragraph (c) or paragraph (d) due to a collective bargaining impasse must provide written notification to the department or the district school board, as applicable, detailing the reasons for the impasse with a proposed timeline and details for a resolution.

Other Important Statutes

School Safety Awareness Program – 943.082 Florida Statutes

Effective July 1, 2019

The following statute regarding the mobile suspicious activity reporting tool is specifically required to be followed according to Florida's charter school statute.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.082.html

943.082 School Safety Awareness Program.—

(1) In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas High School, the program shall be named "FortifyFL." At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.

(2) The reporting tool must notify the reporting party of the following information:

(a) That the reporting party may provide his or her report anonymously.

(b) That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.

(3) Information reported using the tool must be promptly forwarded to the appropriate law enforcement agency or school official.

(4)

(a) Law enforcement dispatch centers, school districts, schools, and other entities identified by the department must be made aware of the mobile suspicious activity reporting tool.

(b) The district school board shall promote the use of the mobile suspicious activity reporting tool by advertising it on the school district website, in newsletters, on school campuses, and in school publications, by installing it on all mobile devices issued to students, and by bookmarking the website on all computer devices issued to students.

(5) The department, in collaboration with the Division of Victim Services within the Office of the Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

(6) The identity of the reporting party received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any other information received through the mobile suspicious activity reporting tool and held by the department, law enforcement agencies, or school officials is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

K-12 Student and Parent Rights – 1002.20 Florida Statutes

Effective July 1, 2021

The following statutes are with regards to student and parent rights.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.20.html

1002.20 K-12 student and parent rights.

Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(1) SYSTEM OF EDUCATION.—

In accordance with s. 1, Art. IX of the State Constitution, all K-12 public school students are entitled to a uniform, safe, secure, efficient, and high quality system of education, one that allows students the opportunity to obtain a high quality education. Parents are responsible to ready their children for school; however, the State of Florida cannot be the guarantor of each individual student's success.

(2) ATTENDANCE.—

(a) Compulsory school attendance.—The compulsory school attendance laws apply to all children between the ages of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a), and, in accordance with the provisions of s. 1003.21(1) and (2)(a):

1. A student who attains the age of 16 years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the school district of the district's receipt of the student's declaration of intent to terminate school enrollment.
2. Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students.

(b) Regular school attendance.—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with the provisions of s. 1003.01(13).

(c) Absence for religious purposes.—A parent of a public school student may request and be granted permission for absence of the student from school for religious instruction or religious holidays, in accordance with the provisions of s. 1003.21(2)(b)1.

(d) Absence for treatment of autism spectrum disorder.—A parent of a public school student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. 393.17 for the treatment of autism spectrum disorder pursuant to ss. 1003.21(2)(b)2. and 1003.24(4).

(e) Dropout prevention and academic intervention programs.—The parent of a public school student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program and shall be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement, in accordance with the provisions of s. 1003.53(5).

(3) HEALTH ISSUES.—

(a) School-entry health examinations.—The parent of any child attending a public or private school shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds in accordance with the provisions of s. 1003.22(1) and (2).

(b) Immunizations.—The parent of any child attending a public or private school shall be exempt from the school immunization requirements upon meeting any of the exemptions in accordance with the provisions of s. 1003.22(5).

(c) Biological experiments.—Parents may request that their child be excused from performing surgery or dissection in biological science classes in accordance with the provisions of s. 1003.47.

(d) Reproductive health and disease education.—A public school student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, in accordance with s. 1003.42(3). Each school district shall, on the district's website homepage, notify parents of this right and the process to request an exemption. The homepage must include a link for a student's parent to access and review the instructional materials, as defined in s. 1006.29(2), used to teach the curriculum.

(e) Contraceptive services to public school students.—In accordance with the provisions of s. 1006.062(7), students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

(f) Career education courses involving hazardous substances.—High school students must be given plano safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

(g) Substance abuse reports.—The parent of a public school student must be timely notified of any verified report of a substance abuse violation by the student, in accordance with the provisions of s. 1006.09(8).

(h) Inhaler use.—Asthmatic students whose parent and physician provide their approval to the school principal may carry a metered dose inhaler on their person while in school. The school principal shall be provided a copy of the parent's and physician's approval.

(i) Epinephrine use and supply.—

1. A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self administer epinephrine by auto injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for such use of epinephrine auto-injectors that shall include provisions to protect the safety of all students from the misuse or abuse of auto-injectors. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this paragraph.
2. A public school may purchase a supply of epinephrine auto-injectors from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in s. 499.003 for the epinephrine auto-injectors at fair-market, free, or reduced prices for use in the event a student has an anaphylactic reaction. The epinephrine auto-injectors must be maintained in a secure location on the public school's premises. The participating school district shall adopt a protocol developed by a licensed physician for the administration by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection. The supply of epinephrine auto-injectors may be provided to and used by a student authorized to self-administer epinephrine by auto-injector under subparagraph 1. or trained school personnel.
3. The school district and its employees, agents, and the physician who provides the standing protocol for school epinephrine auto-injectors are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:
   a. Unless the trained school personnel's action is willful and wanton;
   b. Notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not

been provided notice or have not signed a statement acknowledging that the school district is not liable; and

c. Regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician assistant, or advanced practice registered nurse.

(j) Diabetes management.—A school district may not restrict the assignment of a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel. Diabetic students whose parent and physician provide their written authorization to the school principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia. The State Board of Education, in cooperation with the Department of Health, shall adopt rules to encourage every school in which a student with diabetes is enrolled to have personnel trained in routine and emergency diabetes care. The State Board of Education, in cooperation with the Department of Health, shall also adopt rules for the management and care of diabetes by students in schools that include provisions to protect the safety of all students from the misuse or abuse of diabetic supplies or equipment. A school district, county health department, and public-private partner, and the employees and volunteers of those entities, shall be indemnified by the parent of a student authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this paragraph.

(k) Use of prescribed pancreatic enzyme supplements.—A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with authorization from the student's parent and prescribing practitioner. The State Board of Education, in cooperation with the Department of Health, shall adopt rules for the use of prescribed pancreatic enzyme supplements which shall include provisions to protect the safety of all students from the misuse or abuse of the supplements. A school district, county health department, public-private partner, and their employees and volunteers shall be indemnified by the parent of a student authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements under this paragraph.

(l) Notification of involuntary examinations.—

1. Except as provided in subparagraph 2., the public school principal or the principal's designee shall make a reasonable attempt to notify the parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to s. 394.463. For purposes of this subparagraph, "a reasonable attempt to notify" means the exercise of reasonable diligence and care by the principal or the principal's designee to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal's designee must take the following actions:

   a. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact, including, but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.

   b. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

   A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.

2. The principal or the principal's designee may delay the required notification for no more than 24 hours after the student is removed if:

   a. The principal or the principal's designee deems the delay to be in the student's best interest and a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or

   b. The principal or principal's designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

3. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463.

Each district school board shall develop a policy and procedures for notification under this paragraph.

(m) Sun-protective measures in school.—A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

(4) DISCIPLINE.—

(a) Suspension of public school student.—In accordance with the provisions of s. 1006.09(1)-(4):

1. A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by United States mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension.

2. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of Education rules.

(b) Expulsion.—Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process, in accordance with the provisions of s. 1006.08(1).

(c) Corporal punishment.—

1. In accordance with the provisions of s. 1003.32, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.
2. A district school board having a policy authorizing the use of corporal punishment as a form of discipline shall review its policy on corporal punishment once every 3 years during a district school board meeting held pursuant to s. 1001.372. The district school board shall take public testimony at the board meeting. If such board meeting is not held in accordance with this subparagraph, the portion of the district school board's policy authorizing corporal punishment expires.

(5) SAFETY.—

In accordance with the provisions of s. 1006.13(6), students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

(6) EDUCATIONAL CHOICE.—

(a) Public educational school choices.—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE industry certifications, early college programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) Private educational choices.—Parents of public school students may seek private educational choice options under certain programs established under this chapter.

(c) Home education.—The parent of a student may choose to place the student in a home education program in accordance with the provisions of s. 1002.41.

(d) Private tutoring.—The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).

(7) NONDISCRIMINATION.—

All education programs, activities, and opportunities offered by public educational institutions must be made available without discrimination on the basis of race, ethnicity, national origin, gender, disability, religion, or marital status, in accordance with the provisions of s. 1000.05.

(8) STUDENTS WITH DISABILITIES.—

Parents of public school students with disabilities and parents of public school students in residential care facilities are entitled to notice and due process in accordance with the provisions of ss. 1003.57 and 1003.58. Public school students with disabilities must be provided the opportunity to meet the graduation requirements for a standard high school diploma as set forth in s. 1003.4282 in accordance with the provisions of ss. 1003.57 and 1008.22.

(9) BLIND STUDENTS.—

Blind students have the right to an individualized written education program and appropriate instructional materials to attain literacy, in accordance with provisions of s. 1003.55.

(10) LIMITED ENGLISH PROFICIENT STUDENTS.—

In accordance with the provisions of s. 1003.56, limited English proficient students have the right to receive ESOL (English for Speakers of Other Languages) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible, and the students' parents have the right of parental involvement in the ESOL program.

(11) STUDENTS WITH READING DEFICIENCIES.—

The parent of any K-3 student who exhibits a substantial reading deficiency shall be immediately notified of the student's deficiency pursuant to s. 1008.25(5) and shall be consulted in the development of a plan, as described in s. 1008.25(4)(b).

(12) PLEDGE OF ALLEGIANCE.—

A public school student must be excused from reciting the pledge of allegiance upon written request by the student's parent, in accordance with the provisions of s. 1003.44.

(13) STUDENT RECORDS.—

(a) Parent rights.—Parents have rights regarding the student records of their children, including right of access, right of waiver of access, right to challenge and hearing, and right of privacy, in accordance with the provisions of s. 1002.22.

(b) Student rights.—In accordance with the provisions of s. 1008.386, a student is not required to provide his or her social security number as a condition for enrollment or graduation.

(14) STUDENT REPORT CARDS.—

Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance, in accordance with the provisions of s. 1003.33.

(15) STUDENT PROGRESS REPORTS.—

Parents of public school students shall be apprised at regular intervals of the academic progress and other needed information regarding their child, in accordance with the provisions of s. 1003.02(1)(h)2.

(16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING REPORTS; FISCAL TRANSPARENCY.—

Parents of public school students have the right to an easy-to-read report card about the school's grade designation or, if applicable under s. 1008.341, the school's improvement rating, and the school's accountability report, including the school financial report as required under s. 1010.215. The school financial report must be provided to the parents and indicate the average amount of money expended per student in the school, which must also be included in the student handbook or a similar publication.

(17) ATHLETICS; PUBLIC HIGH SCHOOL.—

(a) Eligibility.—Eligibility requirements for all students participating in high school athletic competition must allow a student to be immediately eligible in the school in which he or she first enrolls each school year, the school in which the student makes himself or herself a candidate for an athletic team by engaging in practice before enrolling, or the school to which the student has transferred, in accordance with s. 1006.20(2)(a).

(b) Medical evaluation.—Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with the provisions of s. 1006.20(2)(d).

(18) EXTRACURRICULAR ACTIVITIES.—

In accordance with the provisions of s. 1006.15:

(a) Eligibility.—Students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities.

(b) Home education students.—Home education students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies, or may develop an agreement to participate at a private school.

(c) Charter school students.—Charter school students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies, unless such activity is provided by the student's charter school.

(d) Florida Virtual School full-time students.—Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies.

(e) Discrimination prohibited.—Organizations that regulate or govern extracurricular activities of public schools shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(19) INSTRUCTIONAL MATERIALS.—

(a) Core courses.—Each public school student is entitled to sufficient instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature, in accordance with the provisions of ss. 1003.02(1)(d) and 1006.40(2).

(b) Curricular objectives.—The parent of each public school student has the right to receive effective communication from the school principal as to the manner in which instructional materials are used to implement the school's curricular objectives, in accordance with the provisions of s. 1006.28(4)(a).

(c) Sale of instructional materials.—Upon request of the parent of a public school student, the school principal must sell to the parent any instructional materials used in the school, in accordance with the provisions of s. 1006.28(4)(c).

(d) Dual enrollment students.—Instructional materials purchased by a district school board or Florida College System institution board of trustees on behalf of public school dual enrollment students shall be made available to the dual enrollment students free of charge, in accordance with s. 1007.271(17).

(20) JUVENILE JUSTICE PROGRAMS.—

Students who are in juvenile justice programs have the right to receive educational programs and services in accordance with the provisions of s. 1003.52.

(21) PARENTAL INPUT AND MEETINGS.—

(a) Meetings with school district personnel.—Parents of public school students may be accompanied by another adult of their choice at a meeting with school district personnel. School district personnel may not object to the attendance of such adult or discourage or attempt to discourage, through an action, statement, or other means, the parents of students with disabilities from inviting another person of their choice to attend a meeting. Such prohibited actions include, but are not limited to, attempted or actual coercion or harassment of parents or students or retaliation or threats of consequences to parents or students.

1. Such meetings include, but are not limited to, meetings related to: the eligibility for exceptional student education or related services; the development of an individual family support plan (IFSP); the development of an individual education plan (IEP); the development of a 504 accommodation plan issued under s. 504 of the Rehabilitation Act of 1973; the transition of a student from early intervention services to other services; the development of postsecondary goals for a student with a disability and the transition services needed to reach those goals; and other issues that may affect the educational environment, discipline, or placement of a student with a disability.
2. The parents and school district personnel attending the meeting shall sign a document at the meeting's conclusion which states whether any school district personnel have prohibited, discouraged, or attempted to discourage the parents from inviting a person of their choice to the meeting.

(b) District school board educational facilities programs.—Parents of public school students and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the district school board's educational facilities work program, in accordance with the provisions of s. 1013.35.

(22) TRANSPORTATION.—

(a) Transportation to school.—Public school students shall be provided transportation to school, in accordance with s. 1006.21(3)(a). Public school students may be provided transportation to school in accordance with the controlled open enrollment provisions of s. 1002.31(2).

(b) Hazardous walking conditions.—K-6 public school students shall be provided transportation if they are subjected to hazardous walking conditions, in accordance with the provisions of ss. 1006.21(3)(b) and 1006.23.

(c) Parental consent.—Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function, in accordance with the provisions of s. 1006.22(2)(b).

(23) ORDERLY, DISCIPLINED CLASSROOMS.—

Public school students shall be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students, in accordance with s. 1003.32.

(24) ECONOMIC SECURITY REPORT.—

Beginning in the 2014-2015 school year and annually thereafter, each middle school and high school student or the student's parent prior to registration shall be provided a two-page summary of the Department of Economic Opportunity's economic security report of employment and earning outcomes prepared pursuant to s. 445.07 and electronic access to the report.

(25) SAFE SCHOOLS.—

(a) School safety and emergency incidents.—Parents of public school students have a right to timely notification of threats, unlawful acts, and significant emergencies pursuant to s. 1006.07(4) and (7).

(b) School environmental safety incident reporting.—Parents of public school students have a right to access school safety and discipline incidents as reported pursuant to s. 1006.07(9).

K-12 Educational Records – 1002.221 Florida Statutes

Effective July 1, 2014

The following laws are regarding your students records, and do apply to the students in charter schools.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.221.html

1002.221 K-12 education records; public records exemption.—

(1) Education records, as defined in the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)

(a) An agency or institution, as defined in s. 1002.22, may not release a student's education records without the written consent of the student or parent to any individual, agency, or organization, except in accordance with and as permitted by the FERPA.

(b) Education records released by an agency or institution, as defined in s. 1002.22, to the Auditor General or the Office of Program Policy Analysis and Government Accountability, which are necessary for such agencies to perform their official duties and responsibilities, must be used and maintained by the Auditor General and the Office of Program Policy Analysis and Government Accountability in accordance with the FERPA.

(c) In accordance with the FERPA and the federal regulations issued pursuant to the FERPA, an agency or institution, as defined in s. 1002.22, may release a student's education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. Information provided in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

Digital Learning – 1002.321 Florida Statutes

Effective July 1, 2021

The following statute is with regards to digital content, such as requiring high school students to take at least one online course.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1002/Sections/1002.321.html

1002.321 Digital learning.—

(1) DIGITAL LEARNING NOW ACT.—There is created the Digital Learning Now Act.

(2) ELEMENTS OF HIGH-QUALITY DIGITAL LEARNING.—The Legislature finds that each student should have access to a high-quality digital learning environment that provides:

(a) Access to digital learning.

(b) Access to high-quality digital content and online courses.

(c) Education that is customized to the needs of the student using digital content.

(d) A means for the student to demonstrate competency in completed coursework.

(e) High-quality digital content, instructional materials, and online and blended learning courses.

(f) High-quality digital instruction and teachers.

(g) Content and instruction that are evaluated on the metric of student learning.

(h) The use of funding as an incentive for performance, options, and innovation.

(i) Infrastructure that supports digital learning.

(j) Online administration of state assessments.

(3) DIGITAL PREPARATION.—As required under s. 1003.4282, a student entering grade 9 in the 2011-2012 school year and thereafter who seeks a high school diploma must take at least one online course.

(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:

(a) School district operated part-time or full-time virtual instruction programs under s. 1002.45(1)(b) for kindergarten through grade 12 students enrolled in the school district. A full-time program shall operate under its own Master School Identification Number.
(b) Florida Virtual School instructional services authorized under s. 1002.37.
(c) Blended learning instruction provided by charter schools authorized under s. 1002.33.
(d) Virtual charter school instruction authorized under s. 1002.33.
(e) Courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques pursuant to s. 1003.498.
(f) Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498.

(5) INTEGRITY OF ONLINE COURSES.—It is unlawful for any person to knowingly and willfully take an online course or examination on behalf of another person for compensation. Any person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) ONLINE CATALOG.—The department shall develop an online catalog of available digital learning courses provided pursuant to ss. 1002.37, 1002.45, 1003.498, and 1003.499, which provides, for each course, access to the course description, completion and passage rates, and a method for student and teacher users to provide evaluative feedback.

Student Discipline and Safety · 1006.07 Florida Statutes

Effective July 1, 2018

As part of the Marjory Stoneman Douglas High School Public Safety Act this law was amended to include additional responsibilities regarding student safety requirements. Specifically states that charters are not exempt from statutes regarding student safety.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.03.html

1006.07 District school board duties relating to student discipline and school safety.—

The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(1) CONTROL OF STUDENTS.—

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student's parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, juvenile justice actions, and any corresponding referral to mental health services by the school district, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board's code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.
2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.
3. The district school superintendent of the receiving school district may recommend to the district school board that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program and referred to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, at the direction of the district school board.

(2) CODE OF STUDENT CONDUCT.—

Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.
(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d)

1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.
2. Any student who violates the dress policy described in subparagraph 1. is subject to the following disciplinary actions:

a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.
b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.
c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

(e) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(f) Notice that use of a wireless communications device includes the possibility of the imposition of disciplinary action by the school or criminal penalties if the device is used in a criminal act. A student may possess a wireless communications device while the student is on school property or in attendance at a school function. Each district school board shall adopt rules governing the use of a wireless communications device by a student while the student is on school property or in attendance at a school function.

(g) Notice that the possession of a firearm or weapon as defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution. Simulating a firearm or weapon while playing or wearing clothing or accessories that depict a firearm or weapon or express an opinion regarding a right guaranteed by the Second Amendment to the United States Constitution is not grounds for disciplinary action or referral to the criminal justice or juvenile justice system under this section or s. 1006.13. Simulating a firearm or weapon while playing includes, but is not limited to:

1. Brandishing a partially consumed pastry or other food item to simulate a firearm or weapon.
2. Possessing a toy firearm or weapon that is 2 inches or less in overall length.
3. Possessing a toy firearm or weapon made of plastic snap-together building blocks.
4. Using a finger or hand to simulate a firearm or weapon.
5. Vocalizing an imaginary firearm or weapon.
6. Drawing a picture, or possessing an image, of a firearm or weapon.
7. Using a pencil, pen, or other writing or drawing utensil to simulate a firearm or weapon.

However, a student may be subject to disciplinary action if simulating a firearm or weapon while playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm. The severity of consequences imposed upon a student, including referral to the criminal justice or juvenile justice system, must be proportionate to the severity of the infraction and consistent with district school board policies for similar infractions. If a student is disciplined for such conduct, the school principal or his or her designee must call the student's parent. Disciplinary action resulting from a student's clothing or accessories shall be determined pursuant to paragraph (d) unless the wearing of the clothing or accessory causes a substantial disruption to student learning, in which case the infraction may be addressed in a manner that is consistent with district school board policies for similar infractions. This paragraph does not prohibit a public school from adopting a school uniform policy.

(h) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(j) Notice that violation of the district school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(k) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program or referral of such students to mental health services identified by the school district pursuant to s. 1012.584(4).

(l) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to mental health services identified by the school district pursuant to s. 1012.584(4) and the criminal justice or juvenile justice system. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(m) Notice that any student who is determined to have made a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity will be expelled, with

or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred for criminal prosecution and mental health services identified by the school district pursuant to s. 1012.584(4) for evaluation or treatment, when appropriate. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.

(n) Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest. All civil citation or similar prearrest diversion programs must comply with s. 985.12.

(o) Criteria for assigning a student who commits a petty act of misconduct, as defined by the district school board pursuant to s. 1006.13(2)(c), to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

(3) STUDENT CRIME WATCH PROGRAM.—

By resolution of the district school board, implement a student crime watch program to promote responsibility among students and improve school safety. The student crime watch program shall allow students and the community to anonymously relay information concerning unsafe and potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all public schools of the district comprised of grades K-12. Drills for active assailant and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes and may provide accommodations for drills conducted by exceptional student education centers. District school boards shall establish emergency response and emergency preparedness policies and procedures that include, but are not limited to, identifying the individuals responsible for contacting the primary emergency response agency and the emergency response agency that is responsible for notifying the school district for each type of emergency.

(b) Provide timely notification to parents of threats pursuant to policies adopted under subsection (7) and the following unlawful acts or significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities:

1. Weapons possession or use when there is intended harm toward another person, hostage, and active assailant situations. The active assailant situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.
2. Murder, homicide, or manslaughter.
3. Sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel.
4. Natural emergencies, including hurricanes, tornadoes, and severe storms.
5. Exposure as a result of a manmade emergency.

(c) Beginning with the 2021-2022 school year, each public school, including charter schools, shall implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. Such system, known as "Alyssa's Alert," must integrate with local public safety answering point infrastructure to transmit 911 calls and mobile activations.

(d) In addition to the requirements of paragraph (c), a public school district may implement additional strategies or systems to ensure real-time coordination between multiple first responder agencies in a school security emergency.

(e) For the 2020-2021 fiscal year and subject to the appropriation of funds in the General Appropriations Act for this purpose, the department shall issue a competitive solicitation to contract for a mobile panic alert system that may be used by each school district. The department shall consult with the Marjory Stoneman Douglas High School Public Safety Commission, the Department of Law Enforcement, and the Division of Emergency Management in the development of the competitive solicitation for the mobile panic alert system.

(f) Establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.

(5) EDUCATIONAL SERVICES IN DETENTION FACILITIES.—

Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student's current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.

(6) SAFETY AND SECURITY BEST PRACTICES.—

Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(a) Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. Any school safety specialist designated from the sheriff's office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff's office remains the employee of the office for purposes of compensation, insurance, workers'

compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist shall:

1. Review school district policies and procedures for compliance with state law and rules, including the district's timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8).
2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.
3. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.
4. In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(b) Each school safety specialist shall coordinate with the appropriate public safety agencies, as defined in s. 365.171, that are designated as first responders to a school's campus to conduct a tour of such campus once every 3 years and provide recommendations related to school safety. The recommendations by the public safety agencies must be considered as part of the recommendations by the school safety specialist pursuant to paragraph (a).

(c) Each district school board and charter school governing board must adopt an active assailant response plan. By October 1, 2019, and annually thereafter, each district school superintendent and charter school principal shall certify that all school personnel have received annual training on the procedures contained in the active assailant response plan for the applicable school district or charter school.

(7) THREAT ASSESSMENT TEAMS.—

Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(12), the threat assessment team shall use that instrument.

(b) Upon a preliminary determination that a student poses a threat of violence or physical harm to himself or herself or others, a threat assessment team shall immediately report its determination to the superintendent or his or her designee. The superintendent or his or her designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school district personnel from acting immediately to address an imminent threat.

(c) Upon a preliminary determination by the threat assessment team that a student poses a threat of violence to himself or herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat assessment team may obtain criminal history record information pursuant to s. 985.04(1). A member of a threat assessment team may not disclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

(d) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to students experiencing or at risk of an emotional disturbance or a mental illness, including the school districts, school personnel, state and local law enforcement agencies, the Department of Juvenile Justice, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Statewide Guardian Ad Litem Office, and any service or support provider contracting with such agencies, may share with each other records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others. All such state and local agencies and programs shall communicate, collaborate, and coordinate efforts to serve such students.

(e) If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary followup actions. Upon the student's transfer to a different school, the threat assessment team shall verify that any intervention services provided to the student remain in place until

the threat assessment team of the receiving school independently determines the need for intervention services.

(f) Each threat assessment team established pursuant to this subsection shall report quantitative data on its activities to the Office of Safe Schools in accordance with guidance from the office and shall utilize the threat assessment database developed pursuant to s. 1001.212(13) upon the availability of the database.

(8) SAFETY IN CONSTRUCTION PLANNING.—

A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district's campus and school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

(9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—

Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. The district school superintendent is responsible for school environmental safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident report.

(10) REPORTING OF INVOLUNTARY EXAMINATIONS.—

Each district school board shall adopt a policy to require the district superintendent to annually report to the department the number of involuntary examinations, as defined in s. 394.455, which are initiated at a school, on school transportation, or at a school-sponsored activity.

Safe-School Officers at Schools · 1006.12 Florida Statutes

Effective July 1, 2021

As part of the Marjory Stoneman Douglas High School Public Safety Act this law requires officers be posted at all public schools. 1002.33

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.03.html

1006.12 Safe-school officers at each public school.—

For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement any combination of the options in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(1) SCHOOL RESOURCE OFFICER.—

A school district may establish school resource officer programs through a cooperative agreement with law enforcement agencies.

(a) School resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(c) Complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(2) SCHOOL SAFETY OFFICER.—

A school district may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

(a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(c) School safety officers must complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(d) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter

23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(3) SCHOOL GUARDIAN.—

At the school district's or the charter school governing board's discretion, as applicable, pursuant to s. 30.15, a school district or charter school governing board may participate in the Coach Aaron Feis Guardian Program to meet the requirement of establishing a safe-school officer. The following individuals may serve as a school guardian, in support of school-sanctioned activities for purposes of s. 790.115, upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

(a) A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a school guardian in addition to his or her official job duties; or

(b) An employee of a school district or a charter school who is hired for the specific purpose of serving as a school guardian.

(4) SCHOOL SECURITY GUARD.—

A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(18) to employ as a school security guard an individual who holds a Class "D" and Class "G" license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate completion of 144 hours of required training pursuant to s. 30.15(1)(k)2.
2. Pass a psychological evaluation administered by a psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office, school district, or charter school governing board, as applicable. The Department of Law Enforcement is authorized to provide the sheriff's office, school district, or charter school governing board with mental health and substance abuse data for compliance with this paragraph.
3. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office, school district, or charter school governing board, as applicable.
4. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis and provide documentation to the sheriff's office, school district, or charter school governing board, as applicable.

(b) The contract between a security agency and a school district or a charter school governing board regarding requirements applicable to school security guards serving in the capacity of a safe-school officer for purposes of satisfying the requirements of this section shall define the entity or entities responsible for training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification.

(c) School security guards serving in the capacity of a safe-school officer pursuant to this subsection are in support of school-sanctioned activities for purposes of s. 790.115, and must aid in the prevention or abatement of active assailant incidents on school premises.

(5) NOTIFICATION.—

The school district shall notify the county sheriff and the Office of Safe Schools immediately after, but no later than 72 hours after:

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) EXEMPTION.—

Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Zero Tolerance Policies · 1006.13 Florida Statutes

Effective July 1, 2019

This also was one of the statues amended as part of the Marjory Stoneman Douglas High School Public Safety Act and could be considered part of student safety, and therefore may be applicable to charter schools.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.03.html

1006.13 Policy of zero tolerance for crime and victimization.—

(1) District school boards shall promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety. A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies to address disruptive behavior through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs. Zero-tolerance policies may not be rigorously applied to petty acts of misconduct. Zero-tolerance policies must apply equally to all students regardless of their economic status, race, or disability.

(2) Each district school board shall adopt a policy of zero tolerance that:

(a) Defines criteria for reporting to a law enforcement agency any act that poses a threat to school safety that occurs whenever or wherever students are within the jurisdiction of the district school board.

(b) Defines acts that pose a threat to school safety.

(c) Defines petty acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement.

(d) Minimizes the victimization of students, staff, or volunteers, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(e) Establishes a procedure that provides each student with the opportunity for a review of the disciplinary action imposed pursuant to s. 1006.07.

(f) Requires the threat assessment team to consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety.

(3) Zero-tolerance policies must require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student who has a disability, the district school board shall comply with applicable State Board of Education rules.

(4)

(a) Each district school board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency.

(b) The agreements must include the role of school resource officers, if applicable, in handling reported incidents and a procedure requiring school personnel to consult with school resource officers concerning appropriate delinquent acts and crimes.

(c) The school principal shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the school principal, or his or her designee, and that the disposition of the incident is properly documented.

(5) Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed any offense in s. 784.081(1), (2), or (3) shall be expelled or placed in an alternative school setting or other program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

(6)

(a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending a public school is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of:

1. Chapter 782, relating to homicide;
2. Chapter 784, relating to assault, battery, and culpable negligence;
3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;
4. Chapter 794, relating to sexual battery;
5. Chapter 800, relating to lewdness and indecent exposure;
6. Chapter 827, relating to abuse of children;
7. Section 812.13, relating to robbery;
8. Section 812.131, relating to robbery by sudden snatching;
9. Section 812.133, relating to carjacking; or
10. Section 812.135, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the requirements in this paragraph, and whether the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus, except as provided pursuant to a written disposition order under s. 985.455(2). Upon receipt of such notice, the district school board shall take appropriate action to effectuate the provisions in paragraph (b).

(b) Each district school board shall adopt a cooperative agreement with the Department of Juvenile Justice which establishes guidelines for ensuring that any no contact order entered by a court is reported and enforced and that all of the necessary steps are taken to protect the victim of the offense. Any offender described in paragraph (a), who is not exempted as provided in paragraph (a), may not attend any school attended by the victim or a sibling of the victim of the offense or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the district school board to attend another school within the district in which the offender resides, only if the other school is not attended by the victim or sibling of the victim of the offense; or the offender may be permitted by another district school board to attend a school in that district if the offender is unable to attend any school in the district in which the offender resides.

(c) If the offender is unable to attend any other school in the district in which the offender resides and is prohibited from attending a school in another school district, the district school board in the school district in which the offender resides shall take every reasonable precaution to keep the offender separated from the victim while on school grounds or on school transportation. The steps to be taken by a district school board to keep the offender separated from the victim must include, but are not limited to, in-school suspension of the offender and the scheduling of classes, lunch, or other school activities of the victim and the offender so as not to coincide.

(d) The offender, or the parents of the offender if the offender is a juvenile, shall arrange and pay for transportation associated with or required by the offender's attending another school or that would be required as a consequence of the prohibition against riding on a school bus on which the victim or a sibling of the victim is riding. However, the offender or the parents of the offender may not be charged for existing modes of transportation that can be used by the offender at no additional cost to the district school board.

(7) Any disciplinary or prosecutorial action taken against a student who violates a zero-tolerance policy must be based on the particular circumstances of the student's misconduct.

(8) A threat assessment team may use alternatives to expulsion or referral to law enforcement agencies unless the use of such alternatives will pose a threat to school safety.

Safe Schools Assessment Tool · 1006.1493 Florida Statutes

Effective July 1, 2019

This statute was created as part of the Marjory Stoneman Douglas High School Public Safety Act and requires all schools to submit a safety assessment using the tool provided by the department.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1003/Sections/1003.03.html

1006.1493 Florida Safe Schools Assessment Tool.—

(1) The department, through the Office of Safe Schools pursuant s. 1001.212, shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be the primary physical site security assessment tool as revised and required by the Office of Safe Schools which is used by school officials at each school district and public school site in the state in conducting security assessments.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; and
8. A return on investment analysis of the recommended physical security controls.

(b) The department shall require by contract that the security consulting firm:

1. Generate written automated reports on assessment findings for review by the department and school and district officials;
2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department;
3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels; and
4. Review recommendations of the School Hardening and Harm Mitigation Workgroup established under s. 1001.212(11) to address physical security measures identified by the FSSAT.

(3) The Office of Safe Schools shall make the FSSAT available no later than May 1 of each year. The office must provide annual training to each district's school safety specialist and other appropriate school district personnel on the assessment of physical site security and completing the FSSAT.

(4) By December 1 of each year, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

(5) In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6) and the security information contained in the annual report required pursuant to subsection (4) are confidential and exempt from public records requirements.

Public School Personnel · 1012.22(1)(c) Florida Statutes

Effective July 1, 2021

The charter school statute specifically states that charter schools are required to abide by section 1012.22(1)(c), relating to compensation and salary schedules. All of section 1012.22 has not been included only subsection (1)(c) based on the limits from 1002.33(16).

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1012/1012.html

1012.22 Public school personnel; powers and duties of the district school board.—The district school board shall:

(1) Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of this chapter:

...

(c) Compensation and salary schedules.—

1. Definitions.—As used in this paragraph:
   a. "Adjustment" means an addition to the base salary schedule that is not a bonus and becomes part of the employee's

permanent base salary and shall be considered compensation under s. 121.021(22).

b. "Grandfathered salary schedule" means the salary schedule or schedules adopted by a district school board before July 1, 2014, pursuant to subparagraph 4.

c. "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.

d. "Performance salary schedule" means the salary schedule or schedules adopted by a district school board pursuant to subparagraph 5.

e. "Salary schedule" means the schedule or schedules used to provide the base salary for district school board personnel.

f. "School administrator" means a school administrator as defined in s. 1012.01(3)(c).

g. "Supplement" means an annual addition to the base salary for the term of the negotiated supplement as long as the employee continues his or her employment for the purpose of the supplement. A supplement does not become part of the employee's continuing base salary but shall be considered compensation under s. 121.021(22).

2. Cost-of-living adjustment.—A district school board may provide a cost-of-living salary adjustment if the adjustment:

a. Does not discriminate among comparable classes of employees based upon the salary schedule under which they are compensated.

b. Does not exceed 50 percent of the annual adjustment provided to instructional personnel rated as effective.

3. Advanced degrees.—A district school board may not use advanced degrees in setting a salary schedule for instructional personnel or school administrators hired on or after July 1, 2011, unless the advanced degree is held in the individual's area of certification and is only a salary supplement.

4. Grandfathered salary schedule.—

a. The district school board shall adopt a salary schedule or salary schedules to be used as the basis for paying all school employees hired before July 1, 2014. Instructional personnel on annual contract as of July 1, 2014, shall be placed on the performance salary schedule adopted under subparagraph 5. Instructional personnel on continuing contract or professional service contract may opt into the performance salary schedule if the employee relinquishes such contract and agrees to be employed on an annual contract under s. 1012.335. Such an employee shall be placed on the performance salary schedule and may not return to continuing contract or professional service contract status. Any employee who opts into the performance salary schedule may not return to the grandfathered salary schedule.

b. In determining the grandfathered salary schedule for instructional personnel, a district school board must base a portion of each employee's compensation upon performance demonstrated under s. 1012.34 and shall provide differentiated pay for both instructional personnel and school administrators based upon district-determined factors, including, but not limited to, additional responsibilities, school demographics, critical shortage areas, and level of job performance difficulties.

5. Performance salary schedule.—By July 1, 2014, the district school board shall adopt a performance salary schedule that provides annual salary adjustments for instructional personnel and school administrators based upon performance determined under s. 1012.34. Employees hired on or after July 1, 2014, or employees who choose to move from the grandfathered salary schedule to the performance salary schedule shall be compensated pursuant to the performance salary schedule once they have received the appropriate performance evaluation for this purpose.

a. Base salary.—The base salary shall be established as follows:

(I) The base salary for instructional personnel or school administrators who opt into the performance salary schedule shall be the salary paid in the prior year, including adjustments only.

(II) Instructional personnel or school administrators new to the district, returning to the district after a break in service without an authorized leave of absence, or appointed for the first time to a position in the district in the capacity of instructional personnel or school administrator shall be placed on the performance salary schedule. Beginning July 1, 2021, and until such time as the minimum base salary as defined in s. 1011.62(16) equals or exceeds $47,500, the annual increase to the minimum base salary shall not be less than 150 percent of the largest adjustment made to the salary of an employee on the grandfathered salary schedule. Thereafter, the annual increase to the minimum base salary shall not be less than 75 percent of the largest adjustment for an employee on the grandfathered salary schedule.

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(III) A salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

c. Salary supplements.—In addition to the salary adjustments, each district school board shall provide for salary supplements for activities that must include, but are not limited to:

(I) Assignment to a Title I eligible school.

(II) Assignment to a school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34 such that the supplement remains in force for at least 1 year following improved performance in that school.

(III) Certification and teaching in critical teacher shortage areas. Statewide critical teacher shortage areas shall be identified by the State Board of Education under s. 1012.07. However, the district school board may identify other areas of critical shortage within the school district for purposes of this sub-sub-subparagraph and may remove areas identified by the state board which do not apply within the school district.

(IV) Assignment of additional academic responsibilities.

If budget constraints in any given year limit a district school board's ability to fully fund all adopted salary schedules, the performance salary schedule shall not be reduced on the basis of total cost or the value of individual awards in a

manner that is proportionally greater than reductions to any other salary schedules adopted by the district.

Workforce Reductions · 1012.33(5) Florida Statutes

Effective July 1, 2016

The charter school statute specifically states that charter schools are required to abide by section 1012.33(5), relating to workforce reductions.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1012/1012.html

1012.33 Contracts with instructional staff, supervisors, and school principals.—

...

(5) If workforce reduction is needed, a district school board must retain employees at a school or in the school district based upon educational program needs and the performance evaluations of employees within the affected program areas. Within the program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions shall continue in like manner until the needed number of reductions has occurred. A district school board may not prioritize retention of employees based upon seniority.

Contracts with Instructional Personnel · 1012.335 Florida Statutes

Effective July 1, 2011

The charter school statute specifically states that charter schools are required to abide by section 1012.35, relating to contracts with instructional personnel hired on or after July 1, 2011.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1012/1012.html

1012.335 Contracts with instructional personnel hired on or after July 1, 2011.—

(1) DEFINITIONS.—

As used in this section, the term:

(a) "Annual contract" means an employment contract for a period of no longer than 1 school year which the district school board may choose to award or not award without cause.

(b) "Instructional personnel" means instructional personnel as defined in s. 1012.01(2)(a)-(d), excluding substitute teachers.

(c) "Probationary contract" means an employment contract for a period of 1 school year awarded to instructional personnel upon initial employment in a school district. Probationary contract employees may be dismissed without cause or may resign without breach of contract. A district school board may not award a probationary contract more than once to the same employee unless the employee was rehired after a break in service for which an authorized leave of absence was not granted. A probationary contract shall be awarded regardless of previous employment in another school district or state.

(2) EMPLOYMENT.—

(a) Beginning July 1, 2011, each individual newly hired as instructional personnel by the district school board shall be awarded a probationary contract. Upon successful completion of the probationary contract, the district school board may award an annual contract pursuant to paragraph (c).

(b) Beginning July 1, 2011, an annual contract may be awarded pursuant to paragraph (c) for instructional personnel who have successfully completed a probationary contract with the district school board and have received one or more annual contracts from the district school board.

(c) An annual contract may be awarded only if the employee:

1. Holds an active professional certificate or temporary certificate issued pursuant to s. 1012.56 and rules of the State Board of Education.
2. Has been recommended by the district school superintendent for the annual contract based upon the individual's evaluation under s. 1012.34 and approved by the district school board.
3. Has not received two consecutive annual performance evaluation ratings of unsatisfactory, two annual performance evaluation ratings of unsatisfactory within a 3-year period, or three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under s. 1012.34.

(3) VIOLATION OF ANNUAL CONTRACT.—

Instructional personnel who accept a written offer from the district school board and who leave their positions without prior release from the district school board are subject to the jurisdiction of the Education Practices Commission.

(4) SUSPENSION OR DISMISSAL OF INSTRUCTIONAL PERSONNEL ON ANNUAL CONTRACT.—

Any instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause

as provided in subsection (5). The district school board shall notify the employee in writing whenever charges are made and may suspend such person without pay. However, if the charges are not sustained, the employee shall be immediately reinstated and his or her back pay shall be paid. If the employee wishes to contest the charges, he or she must, within 15 days after receipt of the written notice, submit a written request for a hearing to the district school board. A direct hearing shall be conducted by the district school board or a subcommittee thereof within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. A majority vote of the membership of the district school board shall be required to sustain the district school superintendent's recommendation. The district school board's determination is final as to the sufficiency or insufficiency of the grounds for suspension without pay or dismissal. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(5) JUST CAUSE.—

The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to define the term "just cause." Just cause includes, but is not limited to:

(a) Immorality.
(b) Misconduct in office.
(c) Incompetency.
(d) Gross insubordination.
(e) Willful neglect of duty.
(f) Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

(6) LIMITATION.—

An individual newly hired as instructional personnel by a school district in this state under this section is ineligible for any contract issued under s. 1012.33.

Youth Mental Health Awareness and Assistance · 1012.584 Florida Statutes

Effective July 1, 2021

The charter school statute specifically states that charter schools are required to abide by section 1012.854, relating to youth mental health awareness and assistance.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1012/Sections/1012.584.html

1012.584 Continuing education and inservice training for youth mental health awareness and assistance.—

(1) Beginning with the 2018-2019 school year, the Department of Education shall establish an evidence-based youth mental health awareness and assistance training program to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an emotional disturbance, mental health, or substance use problem.

(2) The Department of Education shall select a national authority on youth mental health awareness and assistance to facilitate providing youth mental health awareness and assistance training, using a trainer certification model, to all school personnel in elementary, middle, and high schools. Each school safety specialist shall earn, or designate one or more individuals to earn, certification as a youth mental health awareness and assistance trainer. The school safety specialist shall ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.

(3) The training program shall include, but is not limited to:

(a) An overview of mental illnesses and substance use disorders and the need to reduce the stigma of mental illness.
(b) Information on the potential risk factors and warning signs of emotional disturbance, mental illness, or substance use disorders, including, but not limited to, depression, anxiety, psychosis, eating disorders, and self-injury, as well as common treatments for those conditions and how to assess those risks.
(c) Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.

(4) Each school district shall notify all school personnel who have received training pursuant to this section of mental health services that are available in the school district, and the individual to contact if a student needs services. The term "mental health services" includes, but is not limited to, community mental health services, health care providers, and services provided under ss. 1006.04 and 1011.62(14).

Personnel Evaluation Procedures and Criteria · 1012.34 Florida Statutes

Effective July 1, 2021

The charter school statute specifically states that charter schools are required to abide by section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1012/1012.html

1012.34 Personnel evaluation procedures and criteria.—

(1) EVALUATION SYSTEM APPROVAL AND REPORTING.—

(a) For the purpose of increasing student academic performance by improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for evaluating the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The district school superintendent shall provide instructional personnel the opportunity to review their class rosters for accuracy and to correct any mistakes. The district school superintendent shall report accurate class rosters for the purpose of calculating district and statewide student performance and annually report the evaluation results of instructional personnel and school administrators to the Department of Education in addition to the information required under subsection (5).

(b) The department must approve each school district's instructional personnel and school administrator evaluation systems. The department shall monitor each district's implementation of its instructional personnel and school administrator evaluation systems for compliance with the requirements of this section.

(c) Annually, by February 1, the Commissioner of Education shall publish on the department's website the status of each school district's instructional personnel and school administrator evaluation systems. This information must include performance evaluation results for the prior school year for instructional personnel and school administrators using the four levels of performance specified in paragraph (2)(e). The performance evaluation results for instructional personnel shall be disaggregated by classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, and all other instructional personnel, as defined in s. 1012.01(2)(b)-(d).

(2) EVALUATION SYSTEM REQUIREMENTS.—

The evaluation systems for instructional personnel and school administrators must:

(a) Be designed to support effective instruction and student learning growth, and performance evaluation results must be used when developing district and school level improvement plans.

(b) Provide appropriate instruments, procedures, timely feedback, and criteria for continuous quality improvement of the professional skills of instructional personnel and school administrators, and performance evaluation results must be used when identifying professional development.

(c) Include a mechanism to examine performance data from multiple sources, including opportunities for parents to provide input into employee performance evaluations when appropriate.

(d) Identify those teaching fields for which special evaluation procedures and criteria are necessary.

(e) Differentiate among four levels of performance as follows:

1. Highly effective.
2. Effective.
3. Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement, developing.
4. Unsatisfactory.

(f) Provide for training and monitoring programs based upon guidelines provided by the department to ensure that all individuals with evaluation responsibilities understand the proper use of the evaluation criteria and procedures.

In addition, each district school board may establish a peer assistance process. This process may be a part of the regular evaluation system or used to assist employees placed on performance probation, newly hired classroom teachers, or employees who request assistance.

(3) EVALUATION PROCEDURES AND CRITERIA.—

Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools, as provided in this section. Pursuant to this section, a school district's performance evaluation system is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers, who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least one-third of a performance evaluation must be based upon data and indicators of student performance, as determined by each school district. This portion of the evaluation must include growth or achievement data of the teacher's students or, for a school administrator, the students attending the school over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used. The proportion of growth or achievement data may be determined by instructional assignment.
2. Instructional practice.—For instructional personnel, at least one-third of the performance evaluation must be based upon instructional practice. Evaluation criteria used when annually observing classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, must include indicators based upon each of the Florida Educator Accomplished Practices

adopted by the State Board of Education. For instructional personnel who are not classroom teachers, evaluation criteria must be based upon indicators of the Florida Educator Accomplished Practices and may include specific job expectations related to student support.

3. Instructional leadership.—For school administrators, at least one-third of the performance evaluation must be based on instructional leadership. Evaluation criteria for instructional leadership must include indicators based upon each of the leadership standards adopted by the State Board of Education under s. 1012.986, including performance measures related to the effectiveness of classroom teachers in the school, the administrator's appropriate use of evaluation criteria and procedures, recruitment and retention of effective and highly effective classroom teachers, improvement in the percentage of instructional personnel evaluated at the highly effective or effective level, and other leadership practices that result in student learning growth. The system may include a means to give parents and instructional personnel an opportunity to provide input into the administrator's performance evaluation.
4. Other indicators of performance.—For instructional personnel and school administrators, the remainder of a performance evaluation may include, but is not limited to, professional and job responsibilities as recommended by the State Board of Education or identified by the district school board and, for instructional personnel, peer reviews, objectively reliable survey information from students and parents based on teaching practices that are consistently associated with higher student achievement, and other valid and reliable measures of instructional practice.

(b) All personnel must be fully informed of the criteria, data sources, methodologies, and procedures associated with the evaluation process before the evaluation takes place.

(c) The individual responsible for supervising the employee must evaluate the employee's performance. The evaluation system may provide for the evaluator to consider input from other personnel trained under subsection (2). The evaluator must submit a written report of the evaluation to the district school superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the written report to the employee no later than 10 days after the evaluation takes place. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written response to the evaluation, and the response shall become a permanent attachment to his or her personnel file.

(d) The evaluator may amend an evaluation based upon assessment data from the current school year if the data becomes available within 90 days after the close of the school year. The evaluator must then comply with the procedures set forth in paragraph (c).

(4) NOTIFICATION OF UNSATISFACTORY PERFORMANCE.—

If an employee who holds a professional service contract as provided in s. 1012.33 is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

(a) Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee who holds a professional service contract, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

(b)

1. The employee who holds a professional service contract shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, if a transfer is granted pursuant to ss. 1012.27(1) and 1012.28(6), it does not extend the period for correcting performance deficiencies.
2. Within 14 days after the close of the 90 calendar days, the evaluator must evaluate whether the performance deficiencies have been corrected and forward a recommendation to the district school superintendent. Within 14 days after receiving the evaluator's recommendation, the district school superintendent must notify the employee who holds a professional service contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the district school superintendent will recommend that the district school board continue or terminate his or her employment contract. If the employee wishes to contest the district school superintendent's recommendation, the employee must, within 15 days after receipt of the district school superintendent's recommendation, submit a written request for a hearing. The hearing shall be conducted at the district school board's election in accordance with one of the following procedures:
   a. A direct hearing conducted by the district school board within 60 days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the district school board shall be required to sustain the district school superintendent's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or
   b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the district school board. A majority vote of the membership of the district school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

(5) ADDITIONAL NOTIFICATIONS.—

The district school superintendent shall annually notify the department of any instructional personnel or school administrators who receive two consecutive unsatisfactory evaluations. The district school superintendent shall also notify the department of any instructional personnel or school administrators who are given written notice by the district of intent to terminate or not renew their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 1012.795.

(6) ANNUAL REVIEW OF AND REVISIONS TO THE SCHOOL DISTRICT EVALUATION SYSTEMS.—

The district school board shall establish a procedure for annually reviewing instructional personnel and school administrator evaluation systems to determine compliance with this section. All substantial revisions to an approved system must be reviewed and approved by the district school board before being used to evaluate instructional personnel or school administrators. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an evaluation system.

(7) MEASUREMENT OF STUDENT PERFORMANCE.—

1

(a) The Commissioner of Education shall approve a formula to measure individual student learning growth on the statewide, standardized assessments in English Language Arts and mathematics administered under s. 1008.22. A third party, independent of the assessment developer, must analyze student learning growth data calculated using the formula and provide access to a data visualization tool that enables teachers to understand and evaluate the data and school administrators to improve instruction, evaluate programs, allocate resources, plan professional development, and communicate with stakeholders. The formula must take into consideration each student's prior academic performance. The formula must not set different expectations for student learning growth based upon a student's gender, race, ethnicity, or socioeconomic status. In the development of the formula, the commissioner shall consider other factors such as a student's attendance record, disability status, or status as an English language learner. The commissioner may select additional formulas to measure student performance as appropriate for the remainder of the statewide, standardized assessments included under s. 1008.22 and continue to select formulas as new assessments are implemented in the state system. By July 31 of each year, the commissioner shall provide to each school district the student learning growth data calculated using the formula.

(b) Each school district may, but is not required to measure student learning growth using the formulas approved by the commissioner under paragraph (a).

(8) RULEMAKING.—

The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 which establish uniform procedures and format for the submission, review, and approval of district evaluation systems and reporting requirements for the annual evaluation of instructional personnel and school administrators.

Building Standards and Inspection of Properties · 1013.12 Florida Statutes

Effective July 1, 2014

The statutes regarding casualty, safety and sanitary inspections. Charter Schools are subject to 1013.12(2)(c) if they lease space from the district, otherwise 1013.12(5)(b).

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=1000-1099/1012/1012.html

1013.12 Casualty, safety, sanitation, and firesafety standards and inspection of property.—

(1) FIRESAFETY.—

The State Board of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of State Requirements for Educational Facilities or the Florida Building Code for educational facilities construction as provided in s. 1013.37, except that the State Fire Marshal in consultation with the Department of Education shall adopt uniform firesafety standards for educational and ancillary plants and educational facilities, as provided in s. 633.206(1)(b), and a firesafety evaluation system to be used as an alternate firesafety inspection standard for existing educational and ancillary plants and educational facilities. The uniform firesafety standards and the alternate firesafety evaluation system shall be administered and enforced by fire officials certified by the State Fire Marshal under s. 633.216. These standards must be used by all public agencies when inspecting public educational and ancillary plants, and the firesafety standards must be used by county, municipal, or independent special fire control district inspectors when performing firesafety inspections of public educational and ancillary plants and educational facilities. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed in this section or chapter 633 and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL BOARDS.—

(a) Each board shall provide for periodic inspection, other than firesafety inspection, of each educational and ancillary plant at least once during each fiscal year to determine compliance with standards of sanitation and casualty safety prescribed in the rules of the State Board of Education.

(b) Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

(c) Under the direction of the fire official appointed by the board under s. 1013.371(2), firesafety inspections of each educational and ancillary plant located on property owned or leased by the board, or other educational facilities operated by the board, must be made no sooner than 1 year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons certified by the Division of State Fire Marshal under s. 633.216 to conduct firesafety inspections in public educational and ancillary plants. The board shall submit a copy of the firesafety inspection report to the county, municipality, or independent special fire control district providing fire protection services to the

school facility within 10 business days after the date of the inspection. Alternate schedules for delivery of reports may be agreed upon between the school district and the county, municipality, or independent special fire control district providing fire protection services to the site in cases in which delivery is impossible due to hurricanes or other natural disasters. Regardless, if immediate life-threatening deficiencies are noted in the report, the report shall be delivered immediately. In addition, the board and any other authority conducting the fire safety inspection shall certify to the State Fire Marshal that the annual inspection has been completed. The certification shall be made electronically or by such other means as directed by the State Fire Marshal.

(d) In each firesafety inspection report, the board shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the board shall take action to promptly correct the deficiencies or withdraw the educational or ancillary plant from use until such time as the deficiencies are corrected.

(3) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule. The agency shall submit a copy of the inspection report to the board.

(b) One firesafety inspection of each educational or ancillary plant located on the property owned or leased by the board, or other educational or ancillary plants operated by the school board, and each public college may be conducted no sooner than 1 year after the issuance of the certificate of occupancy and annually thereafter by the county, municipality, or independent special fire control district in which the plant is located using the standards adopted by the State Fire Marshal. The board or public college shall cooperate with the inspecting authority when a firesafety inspection is made by a governmental authority under this paragraph.

(c) In each firesafety inspection report prepared pursuant to this subsection, the county, municipality, or independent special fire control district, in conjunction with the board, shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the local county, municipality, or independent special fire control district, in conjunction with the fire official appointed by the board, shall take action to require the board to promptly correct the deficiencies or withdraw the educational or ancillary plant from use until the deficiencies are corrected, subject to review by the State Fire Marshal who shall act within 10 days to ensure that the deficiencies are corrected or withdraw the plant from use.

(4) CORRECTIVE ACTION; DEFICIENCIES OTHER THAN FIRESAFETY DEFICIENCIES.—

Upon failure of the board to take corrective action within a reasonable time, the agency making the inspection, other than a local fire official, may request the commissioner to:

(a) Order that appropriate action be taken to correct all deficiencies in accordance with a schedule determined jointly by the inspecting authority and the board; in developing the schedule, consideration must be given to the seriousness of the deficiencies and the ability of the board to obtain the necessary funds; or

(b) After 30 calendar days' notice to the board, order all or a portion of the educational or ancillary plant withdrawn from use until the deficiencies are corrected.

(5) INSPECTIONS OF CHARTER SCHOOLS NOT LOCATED ON BOARD-OWNED OR LEASED PROPERTY OR OTHERWISE OPERATED BY A SCHOOL BOARD.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by a state or local agency authorized or required to conduct such inspections by general or special law. The agency shall submit a copy of the inspection report to the charter school sponsor.

(b) One firesafety inspection of each charter school that is not located in facilities owned or leased by the board or a public college must be conducted each fiscal year by the county, municipality, or independent special fire control district in which the charter school is located using the standards adopted by the State Fire Marshal. Upon request, the inspecting authority shall provide a copy of each firesafety report to the board in the district in which the facility is located.

(c) In each firesafety inspection report and formulated in consultation with the charter school, the inspecting authority shall include a plan of action and a schedule for the correction of each deficiency. If any immediate life-threatening deficiency is noted in any inspection, the inspecting authority shall take action to require the charter school to promptly correct each deficiency or withdraw the educational or ancillary plant from use until such time as all deficiencies are corrected.

(d) If the charter school fails to take corrective action within the period designated in the plan of action to correct any firesafety deficiency noted under paragraph (c), the county, municipality, or independent special fire control district shall immediately report the deficiency to the State Fire Marshal and the charter school sponsor. The State Fire Marshal has enforcement authority with respect to charter school educational and ancillary plants and educational facilities as provided in chapter 633 for any building or structure.

(6) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION FACILITIES.—

(a) Firesafety inspections of public college facilities, including charter schools located on board-owned or board-leased facilities or otherwise operated by public college boards, shall be made in accordance with the Florida Fire Prevention Code, as adopted by the State Fire Marshal. Notwithstanding s. 633.202, provisions of the code relating to inspections of such facilities are not subject to any local amendments as provided by s. 1013.371. Each public college facility shall be inspected annually by persons certified under s. 633.216.

(b) After each required firesafety inspection, the inspecting authority shall develop a plan of action to correct each deficiency identified. The public college shall provide a copy of each firesafety inspection report to the county, municipality, or independent special fire control district in which the facility is located.

(c) Firesafety inspections of state universities shall comply with the Florida Fire Prevention Code, as adopted by the State Fire Marshal under s. 633.202.

(7) CORRECTIVE ACTION; FIRESAFETY DEFICIENCIES.—

If a school board, public college board, or charter school fails to correct any firesafety deficiency noted under this section within the time designated in the plan of action, the inspecting authority shall immediately report the deficiency to the State Fire Marshal, who has enforcement authority with respect to educational and ancillary plants and educational facilities as provided in chapter 633 for any other building or structure.

(8) ADDITIONAL STANDARDS.—

In addition to any other rules adopted under this section or s. 633.206, the State Fire Marshal in consultation with the Department of Education shall adopt and administer rules prescribing the following standards for the safety and health of occupants of educational and ancillary plants:

(a) The designation of serious life-safety hazards, including, but not limited to, nonfunctional fire alarm systems, nonfunctional fire sprinkler systems, doors with padlocks or other locks or devices that preclude egress at any time, inadequate exits, hazardous electrical system conditions, potential structural failure, and storage conditions that create a fire hazard.

(b) The proper placement of functional smoke and heat detectors and accessible, unexpired fire extinguishers.

(c) The maintenance of fire doors without doorstops or wedges improperly holding them open.

Mandatory Reporting of Child Abuse – 39.201 Florida Statutes

Effective July 1, 2021

Employees of charter schools are mandatory reporters with regards to child abuse, abandonment or neglect, and should be aware of the following statutes.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0039/Sections/0039.201.html

39.201 Required reports of child abuse, abandonment, or neglect, sexual abuse of a child, and juvenile sexual abuse; required reports of death; reports involving a child who has exhibited inappropriate sexual behavior.—

(1) MANDATORY REPORTING.—

(a)

1. A person is required to report immediately to the central abuse hotline established in s. 39.101, in writing, through a call to the toll-free telephone number, or through electronic reporting, if he or she knows, or has reasonable cause to suspect, that any of the following has occurred:
   a. Child abuse, abandonment, or neglect by a parent or caregiver, which includes, but is not limited to, when a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare or when a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide such supervision and care.
   b. Child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare. The central abuse hotline must immediately electronically transfer such reports to the appropriate county sheriff's office.
2. Any person who knows, or has reasonable cause to suspect, that a child is the victim of sexual abuse or juvenile sexual abuse shall report such knowledge or suspicion to the central abuse hotline, including if the alleged incident involves a child who is in the custody of or under the protective supervision of the department.

Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

(b)

1. A person from the general public may make a report to the central abuse hotline anonymously if he or she chooses to do so.
2. A person making a report to the central abuse hotline whose occupation is in any of the following categories is required to provide his or her name to the central abuse hotline counselors:
   a. Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
   b. Health care professional or mental health professional other than a person listed in sub-subparagraph a.;
   c. Practitioner who relies solely on spiritual means for healing;
   d. School teacher or other school official or personnel;
   e. Social worker, day care center worker, or other professional child care worker, foster care worker, residential worker, or institutional worker;
   f. Law enforcement officer;
   g. Judge; or
   h. Animal control officer as defined in s. 828.27(1)(b) or agent appointed under s. 828.03.

(c) Central abuse hotline counselors shall advise persons under subparagraph (b)2. who are making a report to the central abuse hotline that, while their names must be entered into the record of the report, the names of reporters are held confidential and exempt as provided in s. 39.202. Such counselors must receive periodic training in encouraging all reporters to provide their names when making a report.

(2) EXCEPTIONS TO REPORTING.—

(a) An additional report of child abuse, abandonment, or neglect is not required to be made by:

1. A professional who is hired by or who enters into a contract with the department for the purpose of treating or counseling a person as a result of a report of child abuse, abandonment, or neglect if such person was the subject of the referral for treatment or counseling.
2. An officer or employee of the judicial branch when the child is currently being investigated by the department, when there is an existing dependency case, or when the matter has previously been reported to the department if there is reasonable cause to believe that the information is already known to the department. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been

provided to such officer or employee in the course of carrying out his or her official duties.

3. An officer or employee of a law enforcement agency when the incident under investigation by the law enforcement agency was reported to law enforcement by the central abuse hotline through the electronic transfer of the report or telephone call. The department's central abuse hotline is not required to electronically transfer calls or reports received under sub-subparagraph (1)(a)1.b. to the county sheriff's office if the matter was initially reported to the department by the county sheriff's office or by another law enforcement agency. This subparagraph applies only when the information related to the alleged child abuse, abandonment, or neglect has been provided to the officer or employee of a law enforcement agency or central abuse hotline counselor in the course of carrying out his or her official duties.

(b) Nothing in this section or in the contract with community-based care providers for foster care and related services as specified in s. 409.987 may be construed to remove or reduce the duty and responsibility of any person, including any employee of the community-based care provider, to report a known or suspected case of child abuse, abandonment, or neglect to the department's central abuse hotline.

(3) ADDITIONAL CIRCUMSTANCES RELATED TO REPORTS.—

(a) Abuse occurring out of state.—

1. Except as provided in subparagraph 2., the central abuse hotline may not take a report or call of known or suspected child abuse, abandonment, or neglect when the report or call is related to abuse, abandonment, or neglect that occurred out of state and the alleged perpetrator and alleged victim do not live in this state. The central abuse hotline must instead transfer the information in the report or call to the appropriate state or country.

2. If the alleged victim is currently being evaluated in a medical facility in this state, the central abuse hotline must accept the report or call for investigation and must transfer the information in the report or call to the appropriate state or country.

(b) Reports received from emergency room physicians.—The department must initiate an investigation when it receives a report from an emergency room physician.

(c) Abuse involving impregnation of a child.—A report must be immediately electronically transferred to the appropriate county sheriff's office or other appropriate law enforcement agency by the central abuse hotline if the report is of an instance of known or suspected child abuse involving impregnation of a child 15 years of age or younger by a person 21 years of age or older under s. 827.04(3). If the report is of known or suspected child abuse under s. 827.04(3), subsection (1) does not apply to health care professionals or other professionals who provide medical or counseling services to pregnant children when such reporting would interfere with the provision of such medical or counseling services.

(d) Institutional child abuse or neglect.—Reports involving known or suspected institutional child abuse or neglect must be made and received in the same manner as all other reports made under this section.

(e) Surrendered newborn infants.—

1. The central abuse hotline must receive reports involving surrendered newborn infants as described in s. 383.50.

2.

a. A report may not be considered a report of child abuse, abandonment, or neglect solely because the infant has been left at a hospital, emergency medical services station, or fire station under s. 383.50.

b. If the report involving a surrendered newborn infant does not include indications of child abuse, abandonment, or neglect other than that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the central abuse hotline must provide to the person making the report the name of an eligible licensed child-placing agency that is required to accept physical custody of and to place surrendered newborn infants. The department shall provide names of eligible licensed child-placing agencies on a rotating basis.

3. If the report includes indications of child abuse, abandonment, or neglect beyond that necessarily entailed in the infant having been left at a hospital, emergency medical services station, or fire station, the report must be considered as a report of child abuse, abandonment, or neglect and, notwithstanding chapter 383, is subject to s. 39.395 and all other relevant provisions of this chapter.

(4) REPORTS OF CHILD ABUSE, ABANDONMENT, OR NEGLECT BY A PARENT, LEGAL CUSTODIAN, CAREGIVER, OR OTHER PERSON RESPONSIBLE FOR A CHILD'S WELFARE.—

(a)

1. Upon receiving a report made to the central abuse hotline, the department shall determine if the received report meets the statutory criteria for child abuse, abandonment, or neglect.

2. Any report meeting the statutory criteria for child abuse, abandonment, or neglect must be accepted for a child protective investigation pursuant to part III of this chapter.

(b)

1. Any call received from a parent or legal custodian seeking assistance for himself or herself which does not meet the criteria for being a report of child abuse, abandonment, or neglect may be accepted by the central abuse hotline for response to ameliorate a potential future risk of harm to a child.

2. The department must refer the parent or legal custodian for appropriate voluntary community services if it is determined by the department that a need for community services exists.

(5) REPORTS OF SEXUAL ABUSE OF A CHILD OR JUVENILE SEXUAL ABUSE; REPORTS OF A CHILD WHO HAS EXHIBITED INAPPROPRIATE SEXUAL BEHAVIOR.—

(a)

1. Sexual abuse of a child or juvenile sexual abuse must be reported immediately to the central abuse hotline, including any alleged incident involving a child who is in the custody of or under the protective supervision of the department. Such reports may be made in writing, through the statewide toll-free telephone number, or through electronic reporting.

2. Within 48 hours after the central abuse hotline receives a report under subparagraph 1., the department shall conduct an assessment, assist the family in receiving appropriate services under s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office.

(b) Reports involving a child who has exhibited inappropriate sexual behavior must be made and received by the central abuse hotline. Within 48 hours after receiving a report under this paragraph, the department shall conduct an assessment, assist the family in receiving appropriate services under s. 39.307, and send a written report of the allegation to the appropriate county sheriff's office.

(c) The services identified in the assessment conducted under paragraph (a) or paragraph (b) must be provided in the least

restrictive environment possible and must include, but are not limited to, child advocacy center services under s. 39.3035 and sexual abuse treatment programs developed and coordinated by the Children's Medical Services Program in the Department of Health under s. 39.303.

(d) The department shall ensure that the facts and results of any investigation of sexual abuse of a child or juvenile sexual abuse involving a child in the custody of or under the protective supervision of the department are made known to the court at the next hearing and are included in the next report to the court concerning the child.

(e)

1. In addition to conducting an assessment and assisting the family in receiving appropriate services, the department shall conduct a child protective investigation under part III of this chapter if the incident leading to a report occurs on school premises, on school transportation, at a school-sponsored off-campus event, at a public or private school readiness or prekindergarten program, at a public K-12 school, at a private school, at a Florida College System institution, at a state university, or at any other school. The child protective investigation must include an interview with the child's parent or legal custodian.
2. The department shall orally notify the Department of Education; the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located; and, as appropriate, the superintendent of the school district in which the school is located, the administrative officer of the private school, or the owner of the private school readiness or prekindergarten program provider.
3. The department shall make a full written report to the law enforcement agency having jurisdiction over the municipality or county in which the school, program, institution, or university is located within 3 business days after making the oral report. Whenever possible, any criminal investigation must be coordinated with the department's child protective investigation. Any interested person who has information regarding sexual abuse of a child or juvenile sexual abuse may forward a statement to the department.

(6) MANDATORY REPORTS OF A CHILD DEATH.—

Any person required to report or investigate cases of suspected child abuse, abandonment, or neglect who has reasonable cause to suspect that a child died as a result of child abuse, abandonment, or neglect shall report his or her suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and report his or her findings, in writing, to the local law enforcement agency, the appropriate state attorney, and the department. Autopsy reports maintained by the medical examiner are not subject to the confidentiality requirements under s. 39.202.

State Board of Education Rules

State Board Rule 6A-6.053 - K-12 Reading Plan

Effective February 16, 2021

Charter schools are required to match their educational program to the K-12 Reading Plan in the charter application. This rule is the setup for the plans.

https://www.flrules.org/gateway/RuleNo.asp?title=SPECIAL%20PROGRAMS%20I&ID=6A-6.053

6A-6.053 K-12 Comprehensive Research-Based Reading Plan.

(1) Annually, school districts shall submit a K-12 Comprehensive Evidence-Based Reading Plan for the specific use of the research-based reading instruction allocation on the form entitled District K-12 Comprehensive Evidence-Based Reading Plan, Form No. CERP-1, (effective February 2021). The District K-12 Comprehensive Evidence-Based Reading Plan must accurately depict and detail the role of administration (both district and school level), professional development, assessment, curriculum, and instruction in the improvement of student learning of the B.E.S.T. English Language Arts Standards as provided in Rule 6A-1.09401, F.A.C. This information must be reflected for all schools and grade levels and shared with all stakeholders, including school administrators, literacy leadership teams, literacy coaches, classroom instructors, support staff, and parents. The District K-12 Comprehensive Evidence-Based Reading Plan must ensure that:

(a) Leadership at the district and school level is guiding and supporting the initiative;

(b) The analysis of data drives all decision-making;

(c) All intensive reading interventions must be delivered by a teacher who is certified or endorsed in reading;

(d) Measurable student achievement goals are established and clearly described;

(e) Evidence-based instructional materials have a significant effect on improving student outcomes and meet strong, moderate, or promising levels of evidence as defined in 20 U.S.C. §7801(21)(A)(i) and comply with Section 1011.67(2), F.S.;

(f) Supplemental instructional materials have a significant effect on improving student outcomes and meet strong, moderate, or promising levels of evidence as defined in 20 U.S.C. §7801(21)(A)(i) and comply with Section 1001.215(8), F.S.; and

(g) The identified three-hundred (300) lowest-performing elementary schools provide an additional hour per day of intensive reading instruction in accordance in Section 1011.62(9), F.S.

(2) Research-Based Reading Instruction Allocation. Districts will submit a budget for the Research-Based Reading Instruction Allocation, including salaries and benefits, professional development costs, assessment costs, and programs/materials costs. In accordance with Section 1008.25(3)(a), F.S., budgets must be prioritized for K-3 students with substantial deficiencies in reading as identified in subsection (12) of this rule.

(3) School Literacy Leadership Teams. Districts must describe in the plan the process the principal will use to form and maintain a Literacy Leadership Team, consisting of a school administrator, reading coach, media specialist, lead teachers, and other relevant team members, as applicable.

(4) Professional Development. The plan must make adequate provisions to require principals to:

(a) Provide the professional development required by Section 1012.98(4)(b)11., F.S., which includes training to help teachers integrate phonemic awareness, phonics, word study and spelling, fluency, vocabulary and text comprehension strategies into an explicit, systematic and sequential approach to reading instruction, including multisensory intervention strategies;

(b) Differentiate and intensify professional development for teachers based on progress monitoring data;

(c) Identify mentor teachers and establish model classrooms within the school; and

(d) Ensure that time is provided for teachers to meet weekly for professional development including lesson study and professional learning communities.

(5) Charter schools. Charter schools must utilize their proportionate share of the research-based reading allocation in accordance with Sections 1002.33(7)(a)2.a. and 1008.25(3)(a), F.S. All intensive reading interventions specified by the charter must be delivered by a teacher who is certified or endorsed in reading.

(6) Literacy Coaches.

(a) If the funding of literacy coaches is part of the Research-Based Reading Instruction Allocation budget, literacy coaches must be assigned to schools determined to have the greatest need based on student performance data in reading.

(b) Districts must use the Just Read, Florida! model or explain the evidence-based coaching model used in their district and how they will monitor the implementation and effectiveness of the coaching model. This must include how communication between the district, school administration, and the reading coach throughout the year will address areas of concern.

(c) The Just Read, Florida! literacy coach model is described below:

1. The literacy coach will serve as a stable resource for professional development throughout a school to generate improvement in reading and literacy instruction and student achievement. Coaches will support and provide initial and ongoing professional development to teachers in:
   a. Each of the major reading components, as needed, based on an analysis of student performance data;
   b. Administration and analysis of instructional assessments; and
   c. Providing differentiated instruction and intensive intervention.
2. Coaches will:
   a. Model effective instructional strategies for teachers;
   b. Facilitate study groups;
   c. Train teachers to administer assessments, analyze data, and use data to differentiate instruction;
   d. Coach and mentor teachers daily;
   e. Work with teachers to ensure that evidence-based reading programs (comprehensive core reading programs,

supplemental reading programs and comprehensive intervention reading programs) are implemented with fidelity;
f. Help to increase instructional density to meet the needs of all students;
g. Participate in literacy leadership teams;
h. Continue to increase their knowledge base in best practices in reading instruction, intervention, and instructional reading strategies;
i. Prioritize time to those teachers, activities, and roles that will have the greatest impact on student achievement in reading, namely coaching and mentoring in classrooms;
j. Work frequently with students in whole and small group instruction in the context of modeling and coaching in other teachers' classrooms; and
k. Work with school principals to plan and implement a consistent program of improving reading achievement using strategies that demonstrate a statistically significant effect on improving student outcomes as defined in 20 U.S.C. §7801(21)(A)(i).

3. Coaches are prohibited from performing administrative functions that will detract from their role as a literacy coach, and must limit the time spent on administering or coordinating assessments.

(d) Minimum Qualifications. Literacy coaches must have experience as successful classroom teachers. Coaches must exhibit knowledge of evidence-based reading research, special expertise in quality reading instruction and infusing reading strategies into content area instruction, and data management skills. They must have a strong knowledge base in working with adult learners. Coaches must be excellent communicators with outstanding presentation, interpersonal, and time management skills. The coach must have a minimum of a bachelor's degree and be endorsed or K-12 certified in the area of reading. The literacy coach must have a highly effective rating from the most recently available evaluation that contains student achievement data.

(7) District-level monitoring of the District K-12 Comprehensive Evidence-Based Reading Plan Implementation. The plan must demonstrate adequate provisions for:

(a) Monitoring the level of implementation of the District K-12 Comprehensive Evidence-Based Reading Plan at the school and classroom level, including an explanation of the data that will be collected, how it will be collected, and the frequency of review. Districts must also explain how concerns are communicated if it is determined that the District K-12 Comprehensive Evidence-Based Reading Plan is not being implemented in a systematic and explicit manner, based on data to meet the needs of students.

(b) Ensuring that all instruction in reading is systematic and explicit, based on data, and uses an evidence-based sequence of reading instruction and strategies to meet the needs of students at the school level and determining appropriate instructional adjustments.

(c) Ensuring that data from formative assessments are used to guide differentiation of reading instruction.

(d) Incorporating reading and literacy instruction by content area teachers into subject areas to extend and build discussions of text in order to deepen understanding.

(e) Reporting of data elements as required by the District K-12 Comprehensive Evidence-Based Reading Plan within the Comprehensive Management Information System as provided in Rule 6A-1.0014, F.A.C. These data elements include:
1. Student Enrollment in Reading Intervention;
2. Reading Endorsement competency status for teachers; and
3. Reading Certification progress status for teachers.

(f) Evaluating District K-12 Comprehensive Evidence-Based Reading Plan implementation and impact on student achievement.
1. Districts must annually evaluate the implementation of their District K-12 Comprehensive Evidence-Based Reading Plan.
2. The evaluation must:
a. Analyze elements of the district's plan, including leadership, assessment, curriculum, instruction, intervention, professional development, and family engagement;
b. Include input from teachers, literacy coaches, and administrators at the school level; and
c. Identify elements in need of improvement and strategies to increase literacy outcomes for students.
3. Districts must provide their evaluation of the District K-12 Comprehensive Evidence-Based Reading Plan to the Just Read, Florida! Office by the deadline established in subsection (14) of this rule.
4. The district must use the evaluation to improve implementation of the district's plan for the following school year to increase student achievement.

(8) School-level monitoring of District K-12 Comprehensive Evidence-Based Reading Plan Implementation.

(a) Districts must describe the process used by principals to monitor implementation of, and ensure compliance with, the reading plan, including weekly reading walkthroughs conducted by administrators.

(b) Districts must describe how principals monitor collection and utilization of assessment data, including progress monitoring data, to determine intervention and support needs of students.

(9) Summer Reading Camps. For summer reading camps required by Section 1008.25(7), F.S., districts must:

(a) Provide instruction to grade 3 students who score Level 1 on the statewide, standardized English Language Arts assessment;

(b) Implement evidence-based explicit, systematic, and multisensory reading instruction in phonemic awareness, phonics, fluency, vocabulary, and comprehension; and

(c) Provide instruction by a teacher endorsed or certified in reading.

(10) Parent Support through a Read-at-Home Plan. In accordance with Section 1008.25(5)(c), F.S., the parent of any student who exhibits a substantial deficiency in reading, as identified in accordance with subsection (12) of this rule, must be provided a read-at-home plan, including multisensory strategies, that the parent can use to help with reading at home.

(11) Assessment, Curriculum, and Instruction.

(a) Elementary schools must teach reading in a dedicated, uninterrupted block of time of at least ninety (90) minutes duration daily to all students. The reading block will include whole group instruction utilizing an evidence-based sequence of reading instruction (comprehensive core reading program) and small group differentiated instruction in order to meet individual student needs.

(b) K-12 reading instruction will align with Florida's Revised Formula for Success, 6 + 4 + T1 + T2 + T3, which includes the following:
1. Six (6) components of reading: oral language, phonological awareness, phonics, fluency, vocabulary, and comprehension;
2. Four (4) types of classroom assessments: screening, progress monitoring/formative assessment, diagnosis, and summative assessment;
3. Core instruction (Tier 1): is standards-aligned; includes accommodations for students with a disability, students with an Individual Educational Plan (IEP), and students who are English language learners; provides print-rich explicit and systematic, scaffolded, and differentiated instruction; builds background and content knowledge; incorporates writing in response to reading; and incorporates the principles of Universal Design for Learning as defined in 34 C.F.R. 200.2(b)(2)(ii);

4. Immediate intervention (Tier 2): is standards-aligned; includes accommodations for students with a disability, students with an IEP, and students who are English language learners; provides explicit, systematic, small group teacher-led instruction matched to student need, targeting gaps in learning to reduce barriers to students' ability to meet Tier 1 expectations; provides multiple opportunities to practice the targeted skill(s) and receive feedback; and occurs in addition to core instruction; and
5. Immediate intensive intervention (Tier 3): is provided to students identified as having a substantial deficiency in reading as identified in accordance with subsection (12) of this rule; is standards-aligned; includes accommodations for students with a disability, students with an IEP, and students who are English language learners; provides explicit, systematic, individualized instruction based on student need, one-on-one or very small group instruction with more guided practice, immediate corrective feedback, and frequent progress monitoring; and occurs in addition to core instruction and Tier 2 interventions. In accordance with Section 1008.25(4)(c), F.S., students identified with a substantial reading deficiency must be covered by a federally required student plan, such as an IEP or an individualized progress monitoring plan and receive intensive interventions from teachers who are certified or endorsed in reading.

(c) Data from the results of formative assessments will guide differentiation of instruction and intervention in the classroom.

(d) Districts are required to develop Assessment/Curriculum Decision Trees to demonstrate how data will be used to determine specific reading instructional needs and interventions for all students in grades K-12. The chart must include:

1. Name of assessment(s): screening, diagnostic, progress monitoring, local assessment data, statewide assessments, or teacher observations in use within the district. Pursuant to Section 1002.69, F.S., the Florida Kindergarten Readiness Screener (FLKRS) must be used as a component of identification for kindergarten students, and according to subsection (12) of this rule, the assessment tool used to identify students in grades K-3 with a substantial deficiency in reading. Pursuant to Section 1008.25(4)(a), F.S., the Florida Standards Assessment-English Language Arts (FSA-ELA) must be one of the components used for grades 3-12;
2. Targeted audience (grade level);
3. Performance criteria used for decision-making for each instrument listed in subparagraph (11)(d)1. of this rule at each grade level;
4. Assessment/curriculum connection;
5. An explanation of how instruction will be modified for students who receive instruction through distance and blended learning; and
6. An explanation of how instruction will be modified for students in grades K-12 who have been identified as having a substantial deficiency in reading who are in need of intensive intervention.
7. The decision trees must include specific criteria for when a student is identified to receive intensive reading, what intensive reading interventions will be used, interventions by a teacher who is certified or endorsed in reading and how the intensive reading interventions are provided. Districts must identify the multisensory intervention provided to students in grades K-3 who have a substantial deficiency in reading.

(12) Identification of Students with a Substantial Reading Deficiency. A student is identified as having a substantial deficiency in reading if any of the following criteria are met:

(a) The student scores at the lowest achievement level/benchmark as identified by the publisher during a universal screening period, on an assessment listed in the district's approved District K-12 Comprehensive Evidence-based Reading Plan;

(b) The student scores at the lowest achievement level/benchmark as identified by the publisher during progress monitoring administration at any time during the school year, on an assessment listed in the district's approved District K-12 Comprehensive Evidence-based Reading Plan; or

(c) The student has demonstrated, through consecutive formative assessments or teacher observation data, minimum skill levels for reading competency in one or more of the areas of phonological awareness; phonics; vocabulary, including oral language skills; reading fluency; and reading comprehension.

(13) Three-hundred (300) Lowest-Performing Elementary Schools.

(a) The three-hundred (300) lowest-performing elementary schools are identified annually based on a three-year average of the points earned by a school in the school grading component of achievement in English Language Arts and the points earned by a school in the school grading component of learning gains in English Language Arts, as set forth in paragraph 6A-1.09981(4)(a), F.A.C. The points for these two school grading components are summed and then averaged for each elementary school. The elementary schools are then ranked from lowest to highest based on this average in order to identify the three-hundred (300) lowest-performing elementary schools.

(b) School districts will be notified of the schools in their district that have been identified as one of the three-hundred (300) lowest-performing elementary schools at the same time districts are notified of school grades, as provided in Rule 6A-1.09981, F.A.C.

(c) By the date set by the Department as provided in subsection (14) of this rule, school districts that have one or more of the lowest-performing elementary schools must amend their District K-12 Comprehensive Evidence-Based Plan to ensure that:

1. An additional hour per day of intensive reading instruction is provided to students in the school. The additional hour may be provided within the school day;
2. The additional hour per day of intensive reading instruction is provided by teachers and reading specialists who have demonstrated effectiveness in teaching reading; and
3. The intensive reading instruction delivered in this additional hour includes research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency, including:
   a. Differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs;
   b. Explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and
   c. Integration of social studies, science, and mathematics text reading, text discussion, and writing in response to reading.

(14) Annually, the Department will post at https://www.fldoe.org/academics/standards/just-read-fl/readingplan.stml the deadlines for school districts to submit their District K-12 Comprehensive Evidence-Based Reading Plan, the amendment for the three-hundred (300) lowest-performing elementary schools, and the district evaluation of plan implementation.

(15) The following documents are incorporated by reference in this rule:

(a) District K-12 Comprehensive Evidence-Based Reading Plan, Form No. CERP-1 (http://www.flrules.org/Gateway/reference.asp?No=Ref-12690), effective, February 2021;
(b) 20 U.S.C. §7801(21)(A)(i) (http://www.flrules.org/Gateway/reference.asp?No=Ref-12691), effective, December 10, 2015; and
(c) 34 C.F.R. §200.2(b)(2)(ii) (http://www.flrules.org/Gateway/reference.asp?No=Ref-12692), effective, December 8, 2016.

These documents may be obtained from the Department at https://www.fldoe.org/academics/standards/just-read-fl/readingplan.stml.

Rulemaking Authority 1001.02(2), 1011.62, 1008.25 FS. Law Implemented 1001.215, 1011.62, 1008.25 FS. History–New 6-19-08, Amended 4-21-11, 2-17-15, 12-22-19, 2-16-21.

State Board Rule 6A-6.0781 - Charter Appeals

Effective November 21, 2017

This rule discusses the process for appealing a denial of a charter application.

https://www.flrules.org/gateway/RuleNo.asp?title=SPECIAL%20PROGRAMS%20I&ID=6A-6.0781

6A-6.0781 Procedures for Appealing a District School Board Decision Denying Application for Charter School.

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Section 1002.33(6), F.S., shall be as follows:

(1) Appealing a Charter School Application Denial. The district school board letter of denial required by Section 1002.33(6)(b)3.a., F.S., shall be provided to the applicant by the district school board via certified mail unless the applicant agrees in writing to accept receipt by hand delivery, regular mail, facsimile or electronic mail. Receipt of delivery shall be documented and filed with the Agency Clerk for the Department of Education. Within thirty (30) days after receipt by certified mail, or other verified mode of transmittal as provided by the parties' agreement, the decision of a district school board denying an application for a Charter School, the charter applicant may appeal the decision by submitting one (1) electronic copy and five (5) hard copies of the appeal to the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400.

(a) A copy of the appeal shall be sent by the applicant via regular mail or hand delivery, or by other mode of transmittal as provided by the parties' agreement, to the district school board, via the Superintendent or a designee of the Superintendent as specified within the letter of denial on or before the date of filing with the Agency Clerk. The applicant shall certify that it has provided the district school board a copy of the appeal as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal. The State Board of Education does not have jurisdiction to hear late-filed appeals. The appeal must include: name and address of applicant; name and address of the district school board; date of the district school board decision; name and address of applicant's attorney or representative of record, if any; and written argument limited to due process and the reasons for denial identified in the district school board's notice of denial.

(b) The Charter School application, Form IEPC-M2 Florida Charter School Application Evaluation Instrument as incorporated by reference in Rule 6A-6.0786, F.A.C., available transcripts of all meetings before the district school board in which the decision was considered, and all documents considered by the district school board in making its decision shall constitute the record on appeal and shall be filed as exhibits to the appeal.

(c) Within thirty (30) days after receipt of the appeal the district school board shall file one (1) electronic copy and five (5) hard copies of its written arguments with the Agency Clerk for the Department of Education and certify that it has provided a copy to the charter school applicant or representative identified in the applicant's appeal by U.S. Mail, hand delivery, or other agreed upon mode of transmittal. The district school board shall file with its written arguments all documents considered by the district school board in making its decision that were not filed as exhibits to the applicant's appeal. The written arguments are limited to the reasons for denial identified in the district school board's notice of denial and any issues raised by the applicant in its appeal.

(d) Such written arguments required from both parties shall not exceed twenty (20) pages exclusive of any exhibit. The Chair of the Charter School Appeal Commission may grant leave to exceed the page limit only when necessary for both parties to address an extraordinarily large or complex set of issues on appeal. Written arguments may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments shall be on 8 1/2" x 11" inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one inch at the top, bottom, left and right. All written arguments and exhibits must be bound with tabs for each exhibit with a table of contents detailing each section. Electronic and hardcopy appeal documents shall be numbered consecutively throughout the entire submission with no breaks.

(e) Failure to meet the requirements herein specified may cause rejection of the submission by the Chair of the Charter School Appeal Commission, where the failure could result in prejudice to the opposing party. The rejection shall describe the submission errors and the filing party shall have fifteen (15) days to resubmit an appeal that meets the requirements herein.

(2) Procedures for Charter School Appeals. Upon receipt of a timely filed appeal by a Charter School applicant, the Commissioner of Education or designee, shall convene a meeting of the Charter School Appeal

Commission to consider the appeal, with at least seven (7) days notice to the applicant and the district school board of that hearing date.

(a) At the hearing before the Charter School Appeal Commission, each party will be given a maximum of ten (10) minutes to allow representative(s) to summarize the written arguments previously submitted. Each party will also be given additional time, as determined by the Chair of the Charter School Appeal Commission, to individually address each of the reasons for denial. No evidence will be received or testimony presented, only oral argument, will be heard by the Charter School Appeal Commission at this time.

(b) The Charter School Appeal Commission may question the parties. During these questions, the Charter School Appeal Commission may, in its discretion, request information to clarify the documentation presented to it by the charter school applicant and the district school board, as set forth in the appeal and exhibits thereto. Ex parte communications with either party or communication among commission members regarding the appeal is prohibited.

(c) Upon reviewing the record on appeal and hearing oral summaries of written arguments, if presented, and consideration of the answers to questions, if asked, the Charter School Appeal Commission shall then proceed by majority vote to either accept or reject the decision of the district school board.

(d) The Charter School Appeal Commission's recommendation, record on appeal, written arguments of the parties, and a copy of the Charter School Appeal Commission transcripts will be forwarded to the State Board of Education.

(e) The State Board of Education shall consider the appeal and the Charter School Appeal Commission's recommendation at the next scheduled State Board of Education meeting and no later than ninety (90) calendar days after an appeal is filed. Each party shall have five (5) minutes to summarize their arguments. Additionally, the State Board of Education may, in its discretion, ask questions to clarify the issues on appeal. Ex parte communications with either party or communication among board members regarding the appeal is prohibited. The State Board of Education shall approve or deny the appeal.

(3) Motions.

(a) Motions before the Charter School Appeal Commission or State Board of Education shall be filed with the Agency Clerk in the same format as required in paragraph (1)(d) of this rule, except that they are limited to three (3) pages. Motions shall include a statement that the movant has conferred with the other party, shall state whether such party has any objection to the motion, and shall certify that the other party has been served with a copy of the motion. If there is an objection, the other party may file a response, subject to the same filing requirements as the motion, within five (5) business days of receipt of the motion, or the day before the hearing, whichever occurs first. A request for extension of the deadline or leave to exceed the maximum page limit must be requested prior to the date the motion or response is due and may be granted only where the opposing party will not be prejudiced. Oral arguments shall not be requested, but may be scheduled at the discretion of the ruling entity.

(b) The Chair of the Charter School Appeal Commission shall rule upon evidentiary, procedural, and non-jurisdictional motions submitted prior to the commission hearing.

(c) The Commissioner of Education shall rule upon evidentiary, procedural, and non-jurisdictional motions submitted before the State Board of Education. All other motions shall be ruled upon by the State Board of Education.

State Board Rule 6A-6.0784 - Charter School Governance Training

Effective December 15, 2009

This rule discusses the requirement of charter schools to receive training prior to opening their school from the state of Florida or alternatively from the sponsor.

https://www.flrules.org/gateway/RuleNo.asp?title=SPECIAL%20PROGRAMS%20I&ID=6A-6.0784

6A-6.0784 Approval of Charter School Governance Training.

The following provisions are established for the approval of charter school governing board training submitted to the Florida Department of Education for approval pursuant to Section 1002.33, F.S.

(1) General training requirements.

(a) Beginning with the effective date of this rule, every member of the governing body of a charter school operating in Florida shall participate in governance training. The charter school governance training must meet the requirements of this rule and be approved by the Department. Governing boards composed entirely of "school officers", as defined by Section 1012.01, F.S., may meet the requirements of this rule by complying with the procedures set forth in subsection (6) of this rule.

(b) Each governing board member must complete a minimum of four (4) hours of instruction focusing on government in the sunshine, conflicts of interest, ethics, and financial responsibility as specified in Section 1002.33(9)(k), F.S. After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period thereafter, to complete a two (2) hour refresher training on the four (4) topics above in order to retain his or her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.

(c) New members joining a charter school board must complete the four (4) hour training within 90 days of their appointment to the board.

(d) Instruction beyond the hours specified in paragraphs (1)(b) and (c) of this rule may be included in the training plan to address additional topics generally recognized and supported by research or practitioners as important for effective governing board operation.

(e) Each charter school is responsible for contracting with or providing a trainer who delivers governance training consistent with a governance training plan that has been approved by the Department.

(2) Governance training plans.

(a) For the purpose of this rule, a training plan is a written instructional document describing the instructional design for charter school

governing board training which includes measurable performance objectives, instructional content, delivery strategies, learning activities, and assessment for training to fulfill the statutory requirements for charter school governing board instruction focusing on government in the sunshine, conflicts of interest, ethics, and financial responsibility as specified in Section 1002.33(9)(k), F.S. The training plan may include, but need not be limited to, traditional instructional settings, individualized learning modules, and online education.

(b) A governance training plan submitted for review and approval by the Department shall address each of the following components:

1. Description of the content to be delivered that fulfills all topics identified in Section 1002.33(9)(k), F.S., and is consistent with the hours of instruction specified in paragraphs (1)(b) and/or (1)(c) of this rule;
2. Additional topics to be addressed during the training;
3. Measurable learning objectives that specify the performance required;
4. Description of instructional strategies, activities and presentation materials;
5. Methods to be used to measure the stated learning objectives, overall training performance, and provider effectiveness;
6. Length of time required for training;
7. References used in developing the training;
8. Certification that the training has been developed and is owned by the provider or that the provider is licensed to use the training for purposes pursuant to Section 1002.33, F.S.; and,
9. Qualifications and experience of all persons who will be actively involved in providing training.

(3) Submission and review of training plans.

(a) Potential training providers shall complete Form IEPC-9, Charter School Governance Training, Training Plan Approval Application, for submitting a charter school governance training plan for review and approval. Form IEPC-9 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(b) After completing and signing the form, a training provider seeking approval must submit the original and three (3) copies of the form, or an original and an electronic copy on a CD saved as a PDF file, to the Office of Independent Education and Parental Choice as described on the form. The Department will conduct two review periods each year, with deadlines for submitting applications on or before May 1 and on or before October 1. This requires that all applications and supporting documentation must be received by the Department on or before these dates.

(c) The Commissioner of Education shall appoint a review team to review charter school governance training plans. The review team shall be composed of individuals with knowledge in education, finance, governance and law. A training plan submitted for approval to the Department will be reviewed within thirty (30) days of the deadlines listed in paragraph (3)(b) of this rule to determine compliance with the components identified in paragraph (2)(b) of this rule.

(d) The review team's findings will be consolidated and provided as recommendations to the Commissioner or designee. Using the recommendations of the review team, the Commissioner shall determine if the provider has met the criteria for approval or denial. Within ten (10) working days following the Commissioner's determination, the Department shall send a written notification to the proposed provider regarding the outcome of the training plan review.

(e) The names of training providers whose training plans have been approved to meet requirements of Section 1002.33(9)(k), F.S., will be posted on the Department's website at http://www.floridaschoolchoice.org and will be available in hard copy upon request to the Office of Independent Education and Parental Choice.

(f) A notice of denial shall be sent to proposed training providers who submitted plans that do not comply with the components identified in paragraph (2)(b) of this rule. The notice of denial will identify specific areas of program weakness that must be corrected prior to reconsideration for approval. The provider may correct the application and resubmit on the next available submission deadline outlined in paragraph (3)(b) of this rule.

(4) Length of approval and renewal of training plans.

(a) Each approval or extension shall be granted for a period of time determined by the Department of Education, but shall not exceed two (2) years from the date of approval.

(b) No earlier than six (6) months prior to the expiration of approval, a training provider may submit a request for renewal of an approved training plan by completing and submitting Form IEPC-10, Charter School Governance Training, Application to Renew an Approved Training Plan. Form IEPC-10 is hereby incorporated by reference to become effective with the effective date of this rule and will be available electronically on the Department's website at http://www.floridaschoolchoice.org or may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) A request for training plan renewal submitted for approval to the Department will be reviewed within thirty (30) days of receipt to determine continued compliance with the components identified in paragraphs (1)(b) and (2)(b) of this rule. Within ten (10) working days following the Commissioner's determination, the provider will be notified in writing of the Department's decision to renew the plan or not to renew. If a training plan is not renewed, a provider may submit a new training plan to the Department as described in paragraphs (3)(a) and (b) of this rule.

(5) Report of governing board training.

(a) Each training provider offering an approved training program in accordance with this rule shall submit a report of each governing board's training to the Department and a copy of the report to the charter school director within thirty (30) days of the training. The charter school director is responsible for providing a copy of the report to the school's sponsor within ten (10) days of receiving the report from the trainer.

(b) The report shall be submitted using the IEPC-11 form. Form IEPC-11 is hereby incorporated by reference to become effective with the effective date of this rule. Copies of the form may be obtained electronically on the Department's Web site. The report shall be submitted electronically to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Each training provider offering an approved charter school governance training program shall provide a certificate of participation to every governing board member who completes the training and achieves the training objectives as stated in the training plan.

(6) A charter school governing board composed entirely of "school officers" as defined in Section 1012.01, F.S., may comply with the

requirements of this rule by providing documentation that they have received charter school governance training consistent with this rule. Documentation of charter school governance training shall be submitted to the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400, and must include:

(a) Date and location of charter school governance training received.
(b) Name, contact information, qualifications, and experience of all persons actively involved in providing charter school governance training.

State Board Rule 6A-6.0786 - Model Forms

Effective December 22,2019

This rule establishes the model application forms that districts are to use for charter school applications.

https://www.flrules.org/gateway/RuleNo.asp?title=SPECIAL%20PROGRAMS%20I&ID=6A-6.0786

6A-6.0786 Forms for Charter School Applicants and Sponsors.

(1) Persons or entities submitting a charter school application must use Form IEPC-M1, Model Florida Charter School Application, effective December 2019 (http://www.flrules.org/Gateway/reference.asp?No=Ref-11357), pursuant to Section 1002.33, F.S. Form IEPC-M1 is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(2) Sponsors shall evaluate Model Florida Charter School Applications using Form IEPC-M2, Florida Charter School Application Evaluation Instrument, effective December 2019 (http://www.flrules.org/Gateway/reference.asp?No=Ref-11358). Form IEPC-M2 is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(3) Upon approval of a charter school application, the sponsor shall have thirty (30) days to propose an initial proposed charter contract to the charter school. The sponsor shall use Form IEPC-SC, Florida Standard Charter Contract, effective December 2019, (http://www.flrules.org/Gateway/reference.asp?No=Ref-11359), as the basis for the initial draft contract. Proposed deletions to Form IEPC-SC must be displayed as strike-through text. Proposed additions to form IEPC-SC must be displayed as underlined text. The applicant and the sponsor have forty (40) days thereafter to negotiate and notice the charter contract for final approval by the sponsor unless both parties agree to an extension. Additional components may be included in a charter school contract if mutually agreed upon by both parties. Form IEPC-SC is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(4) For all charter contract renewals, charter schools and their sponsors shall use the Florida Standard Charter Renewal Contract (Form IEPC-SCR). This shall be the basis for the renewal draft contract. Proposed deletions to Form IEPC-SCR must be displayed as strike-through text. Proposed additions to form IEPC-SCR must be displayed as underlined text. Additional components may be included in a charter school renewal contract if mutually agreed upon by both parties. Form IEPC-SCR is hereby incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-11360) effective December 2019 and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(5) A high-performing charter school system may replicate its high-performing charter schools in any school district in the state. The applicant must submit an application using Form IEPC-HPS1, the Model Florida Charter School Application High-Performing Charter School System Replication (http://www.flrules.org/Gateway/reference.asp?No=Ref-08911), effective January 2018, pursuant to Section 1002.332(2)(b), F.S. Form IEPC-HPS1 is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(6) Sponsors shall evaluate high-performing system replication applications using Form IEPC-HPS2, the Model Florida Charter School Application High-Performing Charter School System Replication Evaluation Instrument (http://www.flrules.org/Gateway/reference.asp?No=Ref-08912), effective January 2018. Form IEPC-HPS2 is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(7) Persons or entities submitting a virtual charter school application must use Form IEPC-VI, Model Florida Virtual Charter School Application, effective February 2016, (http://www.flrules.org/Gateway/reference.asp?No=Ref-06304), pursuant to Section 1002.33, F.S. Form IEPC-VI is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(8) Sponsors shall evaluate Model Florida Virtual Charter School Applications using Form IEPC-V2, Florida Virtual Charter School Application Evaluation Instrument, effective February 2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-06305). Form IEPC-V2 is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.floridaschoolchoice.org, or from the Office of

Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(9) Applicants completing Addenda A, B, or C, pursuant to the model application shall use Form IEPC-M1A, Applicant History Worksheet, (http://www.flrules.org/Gateway/reference.asp?No=Ref-05518), effective August 2015. Form IEPC-M1A is hereby incorporated by reference and may be obtained electronically on the Department's website at http://www.fldoe.org/schools/school-choice/, or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400.

Rulemaking Authority 1002.33(6), (28) FS. Law Implemented 1002.33(6), (21), 1002.331, 1002.332(2) FS. History–New 10-25-10, Amended 7-9-12, 12-23-14, 8-6-15, 2-9-16, 12-20-16, 1-1-18, 12-22-19.

State Board Rule 6A-1.0081 - Monthly Financial Statements

Effective November 19, 2013

This rule discusses the requirement of charter schools to submit monthly or quarterly financial reports to the district. The state now has developed model financial report forms that are also referenced in this rule.

https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.0081

6A-1.0081 Charter School and Charter Technical Career Center Financial Statements and Financial Conditions.

The following provisions have been established to prescribe the format for a charter school or charter technical career center's monthly or quarterly financial statement required by Sections 1002.33(9)(g) and 1002.34(11)(f), F.S., respectively, and to administer the requirements of Section 1002.345(4), F.S.

(1) Monthly or quarterly financial statement.

(a) A charter school or charter technical career center shall provide a financial statement to the school or center's sponsor in accordance with Sections 1002.33(9)(g) and 1002.34(11)(f), F.S., respectively, on form IEPC-F1, Governmental Accounting Standards Board (GASB) Monthly Financial Form (http://www.flrules.org/Gateway/reference.asp?No=Ref-03235) or IEPC-F2, Non-Profit Monthly Financial Form (http://www.flrules.org/Gateway/reference.asp?No=Ref-03236), hereby incorporated by reference to become effective November 2013. Forms IEPC-F1 and IEPC-F2 may be obtain by contacting the Office of Independent Education and Parental Choice, 325 West Gaines Street, Tallahassee, Florida 32399-0400. The school shall provide notes to the financial statement, if applicable, to include other information material to the financial statement. Material is defined as when the magnitude of an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement.

(b) The sponsor shall determine whether the financial statement must be prepared on a cash or accrual basis and the selected format shall apply to all schools and centers in the district.

(c) Financial statements shall be formatted in accordance with the accounts and codes prescribed in the publication titled, "Financial and Program Cost Accounting and Reporting for Florida Schools," which is adopted in Rule 6A-1.001, F.A.C.

(d) Charter schools and centers and sponsors shall agree in writing to the date by which the financial statements are to be submitted, with the due date being no more than thirty (30) days after the last day of the reporting period.

(e) Sponsors shall not require that monthly or quarterly financial statements be prepared by an independent certified public accountant, unless otherwise agreed to in the charter or a financial recovery plan.

(f) The reporting requirements of this subsection are supplemental to any financial reporting requirements already established in the school or center's charter.

(2) Deteriorating financial condition. A deteriorating financial condition is defined as a circumstance that significantly impairs the ability of a charter school or charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in Section 218.503(1), F.S., or a circumstance that has resulted or will result in the occurrence of a condition described in Section 218.503(1), F.S., if action is not taken to assist the school or center.

(a) A deteriorating financial condition may be identified in one of the following ways:

1. The sponsor may determine that a deteriorating financial condition exists through review of a charter school or charter technical career center's monthly or quarterly financial statement. A deteriorating financial condition may include, but is not limited to, the existence of one or more of the following circumstances:

a. The school or center's actual enrollment is seventy (70%) percent or less of the projected enrollment for which the budget is based, or the enrollment is insufficient to generate enough revenues to meet expenditures;

b. The school or center's actual expenses exceed budgeted expenses for a period of at least three (3) consecutive months in an amount that the school does not have sufficient reserves to compensate; or

c. The school or center experiences an unbudgeted financial event for which the charter school has insufficient reserves to compensate.

2. An auditor may determine that a deteriorating financial condition as defined by Section 1002.345(1)(a)3., F.S., exists based on an annual audit performed pursuant to Section 218.39, F.S. If such a condition is identified, the auditor shall notify each member of the charter school or charter technical career center's governing board in accordance with Section 218.39(5), F.S. Upon receipt of notification, the governing board shall notify the sponsor of the deteriorating financial condition in writing within seven (7) business days.

(b) Upon determination under subparagraph (2)(a)1., of this rule or receipt of notification under subparagraph (2)(a)2., of this rule that a deteriorating financial condition exists, the sponsor shall initiate

an expedited review and notify the governing board of the charter school and the Department of Education within seven (7) business days. The charter school and sponsor shall develop a corrective action plan pursuant to Section 1002.345(1)(c), F.S.

(3) Developing corrective action plans.

(a) If a corrective action plan is required due to the charter school or charter technical career center's failure to provide for an audit or failure to comply with statutory reporting requirements, the Commissioner shall maintain a record of the corrective action plan.

(b) If the corrective action plan is required due to the identification of a deteriorating financial condition or a condition specified in Section 218.503(1), F.S., the Commissioner shall review the corrective action plan within thirty (30) days of receipt to determine whether the strategies identified in the plan adequately address the financial challenges facing the charter school or charter technical career center.

1. If the Commissioner determines that the corrective action plan is sufficient, the Commissioner shall maintain a record of the corrective action plan and the charter school or charter technical career center's governing board shall implement and monitor the corrective action plan in accordance with Sections 1002.33(9)(j)3. and 1002.34(13), F.S., respectively.
2. If the Commissioner determines that the corrective action plan is insufficient and a financial recovery plan is needed to resolve the condition, the charter school or charter technical career center shall be considered in a state of financial emergency pursuant to Section 218.503(4)(c), F.S.

(c) The corrective action plan shall include the following components:

1. A statement of the condition in Section 1002.345(1), F.S., that initiated the development of a corrective action plan. If the corrective action plan is required due to a deteriorating financial condition, the plan must include the three (3) most recent financial statements submitted to the sponsor pursuant to subsection (1) of this rule and the most recent annual financial audit.
2. A description of actions that will be taken to resolve the condition, including a timeline.
3. A summary of the governing board's procedures for monitoring implementation of the plan.
4. A schedule for the governing board to provide progress reports to the sponsor.
5. Any additional components deemed necessary and agreed upon by the charter school governing board and the sponsor.

(d) If the governing board and the sponsor are unable to agree on a corrective action plan, a letter signed by both parties shall be sent to the Office of Independent Education and Parental Choice requesting the involvement of the Commissioner pursuant to Section 1002.345(1)(c), F.S. The letter shall include:

1. A statement of the condition in Section 1002.345(1), F.S., that initiated the development of a corrective action plan.
2. A summary of the proposed corrective action for each party.

Within thirty (30) days of receipt of the request, the Commissioner shall determine the components of the corrective action plan, including the reporting requirements for the governing board and monitoring requirements for the sponsor.

(4) Determining a state of financial emergency.

(a) If the Commissioner is notified pursuant to Section 1002.345(2)(a)1., F.S., that a charter school or charter technical career center's financial audit reveals one or more of the conditions specified in Section 218.503(1), F.S., the governing board and the sponsor shall develop a corrective action plan for submission and review pursuant to paragraph (3)(b) of this rule.

(b) If the Commissioner is notified pursuant to Section 218.503(2), F.S., that one or more of the conditions specified in Section 218.503(1), F.S., have occurred or will occur if action is not taken to assist, the governing board and the sponsor shall develop a corrective action plan for submission and review pursuant to paragraph (3)(b) of this rule.

(5) Developing financial recovery plans.

(a) If the Commissioner determines that a charter school or charter technical career center is in a state of financial emergency, the financial recovery plan prepared and filed in accordance with Section 1002.345(2)(a)2., F.S., by the school or center's governing board shall replace any existing corrective action plan created pursuant to paragraph (3)(b) of this rule.

(b) The financial recovery plan shall include the following components:

1. A statement of the condition identified in Section 218.503(1), F.S., that resulted in the determination of a state of financial emergency.
2. A description of the actions that will resolve or prevent the condition, including a timeline.
3. A summary of the governing board's procedures for monitoring the implementation of the plan.
4. A schedule for the governing board to provide progress reports to the Commissioner and the sponsor.
5. Any additional components deemed necessary by the school or center's governing board.

(c) The Commissioner shall review and approve or reject financial recovery plans pursuant to Section 218.503(4), F.S., within thirty (30) days of receipt.

(6) Correspondence. All correspondence to the Commissioner of Education related to the financial condition of a charter school or charter technical career center shall be addressed to the Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. In addition, electronic correspondence related to the school or center's financial condition shall be sent to charterschools@fldoe.org. This includes notifications that a financial condition identified in Section 218.503(1), F.S., has occurred or will occur, requests for the involvement of the Commissioner in creating a corrective action plan, completed corrective action plans, and completed financial recovery plans.

State Board Rule 6A-1.0503 – Definition of Qualified Instructional Personnel

Effective December 22, 2019

This rule discusses the definition of a "Qualified Instructional Personnel" include for those who are assigned or hired by a charter school.

https://www.flrules.org/gateway/ruleNo.asp?id=6A-1.0503

6A-1.099812 Education Accountability for Department of Juvenile Justice Education Programs.

(1) Purpose. The purpose of this rule is to set forth the performance rating system for Department of Juvenile Justice (DJJ) education programs.

(2) Definitions. For the purposes of this rule, the following definitions shall apply:

(a) "Common assessment" means the assessment required by Section 1003.52(3)(b), F.S., and designed to measure student learning gains and academic progress, which is administered to students upon entry into and again prior to release from DJJ education programs.

(b) "Core-curricula courses" means courses in the subject areas defined in Section 1003.01(14), F.S.

(c) "Department of Juvenile Justice (DJJ) education program" means a program operated by or under contract with the Department of Juvenile Justice that provides educational services to students receiving prevention, day treatment, or residential commitment services designated within Section 985.03(44), F.S.

(d) "Eligible students" means students whose length of stay within the same DJJ education program is at least forty (40) calendar days, which can include consecutive stays. Consecutive stays in the same program will be treated as a single, continuous program enrollment if:

1. Attendance dates overlap,
2. Attendance gap between stays is thirty (30) days or less, or
3. Attendance gap reflects a summer break and the student re-enrolls in the same DJJ education program during the following term.

(e) "Employment" means that a student with a valid social security number was employed in the quarter of release, or during any of the subsequent four reporting quarters after release, from a DJJ education program as reflected by the unemployment insurance quarterly wage (U/I) data found in the Florida Education and Training Placement Information Program (FETPIP) data collection system established under Section 1008.39, F.S.

(f) "Learning gains on the common assessment" means a student's score increases on the common assessment between the pre- and post-test, or a student scores one hundred (100) percent on both the pre- and post-tests.

(g) "Learning gains on the statewide standardized assessments" means learning gains calculated based on the provisions of Rule 6A-1.099822, F.A.C.

(h) "Program type" means prevention, intervention (day treatment), nonsecure residential, and secure residential (high-risk residential, maximum-risk residential) based upon the restrictiveness level of the DJJ education program as defined by Section 985.03(44), F.S.

(i) "Released students" means students who withdrew from a DJJ education program and did not return to the same program within thirty (30) days of withdrawal or after summer break.

(j) "Statewide standardized assessments" means the English language arts and mathematics assessments identified in Section 1008.22(3), F.S.

(k) "Subject areas" means the areas of English language arts and mathematics.

(l) "Sufficient data" means at least ten (10) observations are eligible for inclusion in the denominator of the component calculation.

(3) DJJ Accountability Ratings. The three (3) accountability ratings for DJJ educational programs are Commendable, Acceptable, and Unsatisfactory.

(4) DJJ Accountability Rating System.

(a) Each component with sufficient data shall be calculated as a percentage and weighted equally to determine the accountability rating. The DJJ Accountability Rating shall be based only on the components for which the DJJ education program has sufficient data.

(b) DJJ Accountability Rating Components.

1. Attendance. The percentage of eligible students who returned to public school and whose attendance rate improved following their attendance in a DJJ education program, or whose attendance rate was ninety-five (95) percent or higher upon their return to a public school.
2. Graduation. The percentage of eligible students enrolled in grade 12 during their participation in the DJJ education program and who earned a standard high school diploma or its equivalent in the cohort year or the subsequent year. Eligible students who graduate in the cohort year and enrolled in grades other than grade 12 are also included.
3. Qualified Teachers. The percentage of core-curricula courses taught by in-field teachers, as outlined in Rule 6A-1.0503, F.A.C.
4. Postsecondary Enrollment. The percentage of eligible, released students who earned a standard diploma or its equivalent during the year they participated in a DJJ education program and who enrolled in a postsecondary institution in Florida during the year of their release from the DJJ education program or during the subsequent year.
5. Employment. The percentage of eligible released students who are sixteen (16) years of age or older and employed within one year following release from the DJJ education program. Students not employed but enrolled in a K-12 public school or a state of Florida postsecondary institution shall be removed from the calculation of this component.
6. English Language Arts Learning Gains. The percentage of eligible students who meet the forty-day (40-day) length-of-stay criteria set forth in paragraph (2)(d) of this rule prior to the beginning of the assessment window and demonstrate learning gains on statewide standardized assessments in English language arts.
7. Mathematics Learning Gains. The percentage of eligible students who meet the forty-day (40-day) length-of-stay criteria set for in paragraph (2)(d) of this rule prior to the beginning of the assessment window and demonstrate learning gains on statewide standardized assessments in mathematics.

8. Industry Certification. For programs with a contracted minimum length of stay of nine (9) months or longer, the percentage of eligible students who earned a Career and Professional Education (CAPE) industry certification or a CAPE acceleration industry certification identified in the Industry Certification Funding List adopted in Rule 6A-6.0573, F.A.C., during the year in which they participated in the program or in the subsequent year.
9. Common Assessment Reading/English Language Arts. The percentage of eligible students demonstrating learning gains on the reading/English Language Arts portion of the common assessment.
10. Common Assessment Mathematics. The percentage of eligible students demonstrating learning gains on the mathematics portion of the common assessment.
11. Data Integrity. The percentage of eligible released students who have both pre- and post-test data on the common assessment for the same program placement.
12. Grade Advancement. The percentage of eligible students who returned to a Florida public school and improved their grade level following attendance in a DJJ education program, or who earned a standard high school diploma or equivalent, in the cohort year or the subsequent year.

(5) Procedures for Calculating DJJ Accountability Ratings.

(a) A program's accountability rating shall be calculated based on the percentage of possible points earned by each DJJ education program for the components for which the program has sufficient data. In the calculation of the DJJ Accountability Rating, 100 points are available for each component with sufficient data, with one (1) point earned for each percentage of students meeting the criteria for the component. The points earned for each component shall be expressed as whole numbers by rounding the percentages. Percentages with a value of .5 or greater will be rounded up to the nearest whole number, and percentages with a value of less than .5 will be rounded down to the nearest whole number. The DJJ Accountability Rating is determined by summing the earned points for each component and dividing this sum by the total number of available points for all components with sufficient data. The percentage resulting from this calculation shall be expressed as a whole number using the rounding convention described in this subparagraph.

(b) Accountability ratings shall be assigned to programs based on the percentage of possible points earned by program type as follows:

Program Type	Commendable		Acceptable		Unsatisfactory	
	Max	Min	Max	Min		
Prevention	100%	62%	61%	51%	50%	0%
Intervention	100%	60%	59%	51%	50%	0%
Nonsecure Residential	100%	70%	69%	60%	59%	0%
Secure Residential	100%	65%	64%	54%	53%	0%

1. A score greater than 2.4 equals a rating of Commendable;
2. A score of 1.6 to 2.4 equals a rating of Acceptable; and
3. A score less than 1.6 equals a rating of Unsatisfactory.

(c) A DJJ education program shall receive a DJJ Accountability Rating based solely on the components for which it has sufficient data. A DJJ education program that does not have sufficient data to receive a DJJ Accountability Rating for three (3) consecutive years shall receive a DJJ Accountability Rating based on the aggregate of the most recent three-year (3-year) period for components for which it has sufficient data to perform the calculation. If the three-year (3-year) aggregate does not provide sufficient data to calculate any components, the DJJ education program will not receive a DJJ Accountability Rating.

(6) Accuracy and Representativeness of Performance Data.

(a) Accountability ratings shall be based solely upon data submitted to the Florida Department of Education (FDOE) Student, Staff, and Workforce Development databases, via the data reporting processes as defined in Rule 6A-1.0014, F.A.C., Comprehensive Management Information Systems; data reported to the Florida Education and Training Placement Information Program (FETPIP) data collection system established under Section 1008.39, F.S.; data reported to the Florida College System and State University System; and data reported to the FDOE for the common assessment. All changes in student eligibility for inclusion in rating calculations shall be reported prior to the issuance of the ratings. Each school district shall be responsible for ensuring that all necessary information to calculate the components reported to the Comprehensive Management Information Systems used in the DJJ accountability system is reported to the FDOE within the time limits specified by the Commissioner.

(b) Each school district superintendent shall designate a DJJ education program accountability contact person to be responsible for the following:

1. Verifying that each DJJ education program is correctly listed on the Master School Identification (MSID) file and is appropriately classified by program type, making changes as necessary pursuant to the change process described in Rule 6A-1.0016, F.A.C.
2. Verifying student-enrollment data, program entry and exit dates, and other data needed for calculating specific measures of the DJJ Accountability Rating, including student eligibility for inclusion in calculations for each component.
3. Working with DJJ education programs and other reporting entities to ensure that all data needed to calculate DJJ Accountability Ratings are reported accurately and timely.

(c) Annually, before the calculation of DJJ Accountability Ratings, the FDOE shall provide to the Department of Juvenile Justice and the school districts a list of DJJ education programs. The Department of Juvenile Justice and school districts shall have a minimum of fourteen (14) days to review the list and provide information regarding additions to or deletions from the list.

(7) School District Review Process.

(a) The FDOE shall provide preliminary DJJ Accountability Ratings for the DJJ education programs in the district.

(b) Subsequent to the ratings described in paragraph (7)(a), the FDOE shall create data files based upon the data provided by school districts from which ratings have been calculated and provide districts the opportunity to review and correct these files.

(c) Districts shall be afforded an opportunity to contest or appeal a preliminary DJJ Accountability Rating within thirty (30) days of the release of the DJJ Accountability Rating.

(d) A successful appeal requires that a district clearly demonstrate that due to the omission of student data, a data miscalculation, or a special circumstance beyond the control of the district, a different rating would be assigned to the DJJ education program.

(e) Appropriate documentation of all elements and data to be reviewed by the FDOE must be submitted by the superintendent of the school district in which the DJJ education program is located within the time limits specified by the Commissioner of Education.

(f) An appeal shall not be granted under the following circumstances:

1. It was not timely received;
2. It was not submitted by the district superintendent;
3. It would not result in a different rating, if granted; or

4. It relies on changes made that could have been corrected prior to the calculation of the DJJ Accountability Ratings.

Rulemaking Authority 1001.02(2)(n), 1003.52(16), (21) FS. Law Implemented 1003.52 FS. History–New 10-18-18, Amended 10-27-20.

State Board Rule 6A-1.09981 - School Improvement and Accountability

Effective July 14, 2021

This rule discusses the requirement of the statewide school improvement and accountability system.

https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.09981

6A-1.09981 School and District Accountability.

(1) Purpose. The purpose of this rule is to provide the definitions and policies for school and district grades accountability systems.

(2) Definitions. For the purpose of this rule, the following definitions shall apply:

(a) "Full-year-enrolled student" means a student who is present for both the second and third period full-time equivalent (FTE) student membership surveys as specified in Rule 6A-1.0451, F.A.C., and who is still enrolled at the time of statewide standardized testing.

(b) "Learning gains" means that the student demonstrates growth from one (1) year to the next year sufficient to meet the criteria below. Learning gains may be demonstrated in English Language Arts and Mathematics.

1. Students with two (2) consecutive years of valid Florida Standards Assessment scores may demonstrate learning gains in four (4) different ways.
   a. Students who increase at least one (1) achievement level on the Florida Standards Assessment in the same subject area.
   b. Students who scored below Achievement Level 3 on the Florida Standards Assessment in the prior year and who advance from one subcategory within Achievement Level 1 or 2 in the prior year to a higher subcategory in the current year in the same subject area. Achievement Level 1 is comprised of three (3) equal subcategories, and Achievement Level 2 is comprised of two (2) equal subcategories. Subcategories are determined by dividing the scale of Achievement Level 1 into three (3) equal parts and dividing the scale of Achievement Level 2 into two (2) equal parts. If the scale range cannot be evenly divided into three (3) equal parts for Achievement Level 1 or into two (2) equal parts for Achievement Level 2, no subcategory may be more than one (1) scale score point larger than the other subcategories; the highest subcategories shall be the smallest.
   c. Students whose score remained at Achievement Level 3 or 4 on the Florida Standards Assessment in the current year and whose scale score is greater in the current year than the prior year in the same subject area. This does not apply to students who scored in a different achievement level in the prior year in the same subject area.
   d. Students who scored at Achievement Level 5 in the prior year on the Florida Standards Assessment and who score in the same Achievement Level in the current year in the same subject area.
2. Students with two (2) consecutive years of valid Florida Standards Alternate Assessment scores may demonstrate learning gains in four (4) different ways.
   a. Students who increase at least one (1) achievement level on the Florida Standards Alternate Assessment in the same subject area.
   b. Students who scored below Achievement Level 3 on the Florida Standards Alternate Assessment in the prior year and who advance from one subcategory within Achievement Level 1 or 2 in the prior year to a higher subcategory in the current year in the same subject area. Achievement Level 1 is comprised of three (3) equal subcategories, and Achievement Level 2 is comprised of two (2) equal subcategories. Subcategories are determined by dividing the scale of Achievement Level 1 into three (3) equal parts and dividing the scale of Achievement Level 2 into two (2) equal parts. If the scale range cannot be evenly divided into three (3) equal parts for Achievement Level 1 or into two (2) equal parts for Achievement Level 2, no subcategory may be more than one (1) scale score point larger than the other subcategories; the highest subcategories shall be the smallest.
   c. Students who scored at Achievement Level 3 on the Florida Standards Alternate Assessment in the prior year and who maintain the same Achievement Level 3 subcategory or move from the lower subcategory to the higher subcategory. Subcategories are determined by dividing the scale of Achievement Level 3 into two (2) equal parts. If the scale range cannot be evenly divided into two (2) equal parts for Achievement Level 3, then the highest subcategory shall be the smallest.
   d. Students who scored at Achievement Level 4 in the prior year on the Florida Standards Alternate Assessment and who score in the same Achievement Level in the current year in the same subject area.

(c) "Passing" means that the student must attain a statewide standardized assessment score of Achievement Level 3 or higher.

(d) "School grade component" means the areas listed in paragraphs (4)(a), (4)(b) and (4)(c) of this rule.

(e) "School grades school year" means the fall, winter, spring, and the preceding summer for the purposes of the school grades calculation.

(f) "Statewide standardized assessments" means the assessments required in Section 1008.22(3), F.S., including the comprehensive statewide assessments, the end-of-course assessments, and the alternate assessments.

(g) "Students in the lowest twenty-five (25) percent" means current year full-year-enrolled students whose prior year assessment scores are in the lowest performing twenty-five (25) percent on the

statewide standardized assessments in the subject areas of English Language Arts or Mathematics for each school.

(h) "Subject areas" means the four (4) areas of English Language Arts (English Language Arts in grades 3 through 10), Mathematics (Mathematics in grades 3 through 8, Algebra 1, and Geometry), Science (Science in grades 5 and 8, and Biology 1), and Social Studies (Civics and U.S. History).

(3) School Accountability Framework.

(a) Each school shall be assigned a letter grade of A, B, C, D, or F annually.

(b) A school shall receive a grade based solely on the components for which it has sufficient data. Sufficient data exists when at least ten (10) students are eligible for inclusion in the calculation of the component. If a school has less than ten (10) eligible students with data for a particular component, that component shall not be calculated for the school.

(c) Student performance data for alternative schools that choose to receive a school improvement rating and are not charter schools shall be included in the school grade of the student's home-zoned school. This data is limited to the components listed in paragraph (4)(a) of this rule.

(d) Student performance data for hospital and homebound students shall be included in the school grade of the student's home-zoned school. This data is limited to the components listed in paragraph (4)(a) of this rule.

(e) To ensure that student data accurately represent school performance, schools shall assess at least ninety-five (95) percent of their students to qualify for a school grade, unless the school only has sufficient data for the components found in paragraphs (4)(b) and (c) of this rule.

(f) To be included as an assessed student, in the percent-tested measure, a student must be enrolled during the third period full-time equivalent (FTE) student membership survey, as specified in Rule 6A-1.0451, F.A.C., enrolled at the time of testing, and assessed on the statewide standardized assessments or the English Language Proficiency Assessment, for a student who is a first year English Language Learner as provided in Rule 6A-1.09432, F.A.C., and did not take the English Language Arts statewide assessment.

(g) English Language Learners, as defined in Rule 6A-6.0901, F.A.C., shall be included in the achievement components in subparagraphs (4)(a)1.-4. of this rule, once they have been enrolled in school in the United States for two (2) years. English Language Learners will be included in the learning gains components in subparagraphs (4)(a)5.-8. of this rule, beginning with their first year in school in the United States. For English Language Learners in their first year in school in the United States, who do not take the statewide standardized English Language Arts assessment, an English Language Arts linked score will be calculated for them based on their English Language Proficiency Assessment results. This linked score will be used as the prior year score in the learning gains calculation.

(h) High school students' statewide end-of-course assessment scores used for achievement and learning gains measures will be scores for the assessments administered to students for the first time in high school and must be for a course in which the student was enrolled. If a student took the assessment for the first time in high school and then retook the assessment during the same school grades school year while enrolled in the course, the highest score will be included in the calculation.

(i) Middle school students' statewide end-of-course assessment scores used for achievement, learning gains, and middle school component measures will be scores for a course in which the student was enrolled. If a student retook the assessment during the same school grades school year while enrolled in the course, the highest score will be included in the calculation.

(4) School Grading System. The school grade components shall be calculated as a percentage, with the possible points listed by the component.

(a) School Grading Components for all Schools.

1. English Language Arts Achievement. (100 points) The percentage of full-year-enrolled students who took and passed a statewide standardized assessment for grades 3 through 10 in English Language Arts.
2. Mathematics Achievement. (100 points) The percentage of full-year-enrolled students who took and passed the statewide standardized assessment in Mathematics for grades 3 through 8, the statewide standardized end-of-course assessment in Algebra 1 or Geometry. If a student is enrolled in more than one (1) mathematics course that has an associated statewide standardized assessment, the student's highest score shall be used in the calculation.
3. Science Achievement. (100 points) The percentage of full-year-enrolled students who took and passed the statewide standardized assessment in Science for grades 5 or 8 or the statewide standardized end-of-course assessment in Biology 1.
4. Social Studies Achievement. (100 points) The percentage of full-year-enrolled students who took and passed the statewide standardized end-of-course assessment in Civics or U.S. History. If a student is enrolled in more than one (1) social studies course that has an associated statewide end-of-course assessment, the student's highest score shall be used in the calculation.
5. Learning gains in English Language Arts. (100 points) The percentage of full-year-enrolled students demonstrating learning gains in English Language Arts.
6. Learning gains in Mathematics. (100 points) The percentage of full-year-enrolled students demonstrating learning gains in Mathematics.
7. Learning gains of the lowest twenty-five (25) percent of students in English Language Arts. (100 points) The percentage of full-year-enrolled students who scored in the lowest twenty-five (25) percent in the prior year who demonstrated current year learning gains in English Language Arts.
8. Learning gains of the lowest twenty-five (25) percent of students in Mathematics. (100 points) The percentage of full-year-enrolled students who scored in the lowest twenty-five (25) percent in the prior year who demonstrated current year learning gains in Mathematics.

(b) School Grading Component for Middle Schools. (100 points) The middle school grading component shall be calculated for schools comprised of grades 6, 7, and 8 and schools comprised of grades 7 and 8. In addition, if a school includes grades 6, 7, and 8 or grades 7 and 8 with other grade levels, that school shall be included in the middle school component.

1. An eligible student for this component is a full-year-enrolled student, who is a current year grade 8 student who scored at or above Achievement Level 3 on the Mathematics statewide standardized assessments in the prior year, or is a full-year-enrolled student in grade 6, 7, or 8, who took a high school level statewide standardized end-of-course assessment or an industry certification examination identified in the industry certification funding list adopted in Rule 6A-6.0573, F.A.C.
2. The middle school component shall be calculated as the percentage of eligible students who passed one (1) or more high school level statewide standardized end-of-course assessments in

Algebra 1, Geometry, Biology 1, or U.S. History; or who earned a high school industry certification, identified in the Industry Certification Funding List adopted in Rule 6A-6.0573, F.A.C.

3. For the purpose of calculating the middle school component, a student shall be included no more than once each school grades school year.

(c) School Grading Components for High Schools. The high school grading component shall be calculated for schools comprised of grades 9, 10, 11, and 12 or grades 10, 11, and 12. In addition, if a school includes grades 9, 10, 11, and 12 or grades 10, 11, and 12, with other grade levels, that school shall be included for the high school grading component. In addition, schools comprised of grades 11 and 12 shall be eligible for the high school grading component. High school grades shall include the following components.

1. Graduation Rate. (100 points) The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008, (http://www.flrules.org/Gateway/reference.asp?No=Ref-01332) and referred to as the four-year adjusted cohort graduation rate. This federal regulation is incorporated by reference and may be obtained by contacting the Division of Accountability, Research, and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.
2. College and Career Acceleration. (100 points) The percentage of students included as graduates in the graduation rate from subparagraph (4)(c)1. of this rule, who, while in high school, earned the following:
   a. A score making them eligible to earn college credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, or Advanced International Certificate of Education (AICE) examinations according to the requirements of Rule 6A-10.024, F.A.C.;
   b. College credit through dual enrollment courses according to the requirements of Rule 6A-14.064, F.A.C., or, beginning with the 2021-2022 calculation of school grades, through the completion of three hundred (300) or more clock hours through career dual enrollment courses according to the requirements of Rule 6A-6.0575, F.A.C.; or
   c. Career and Professional Education (CAPE) industry certification or a CAPE acceleration industry certification identified in the Industry Certification Funding List adopted in Rule 6A-6.0573, F.A.C.; or
   d. Beginning with the 2022-2023 calculation of school grades, an Armed Services Qualification Test score that falls within Category II or higher (a score of 65 or higher on a score scale of 1 to 99) on the Armed Services Vocational Aptitude Battery (ASVAB) and at least two (2) credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces, as identified in the "Course Code Directory and Instructional Personnel Assignments" adopted by Rule 6A-1.09441, F.A.C.
3. For the purpose of calculating a school's college and career acceleration component, a student shall be included no more than once.

(d) Procedures for Calculating School Grades.

1. A school letter grade of A, B, C, D, or F shall be calculated based on the percentage of possible points earned by each school for the components applicable to the school. In the calculation of a school's grade, 100 points are available for each component with sufficient data, with one (1) point earned for each percentage of students meeting the criteria for the component. The points earned for each component shall be expressed as whole numbers by rounding the percentages. Percentages with a value of .5 or greater will be rounded up to the nearest whole number, and percentages with a value of less than .5 will be rounded down to the nearest whole number.
2. The school's grade is determined by summing the points earned for each component and dividing this sum by the total number of available points for all components with sufficient data. The percentage resulting from this calculation shall be expressed as a whole number using the rounding convention described in this subparagraph.
3. Letter grades shall be assigned to schools based on the percentage of total applicable points earned as follows:
   a. Sixty-two (62) percent of total applicable points or higher equals a letter grade of A;
   b. Fifty-four (54) to sixty-one (61) percent of total applicable points equals a letter grade of B;
   c. Forty-one (41) to fifty-three (53) percent of total applicable points equals a letter grade of C;
   d. Thirty-two (32) to forty (40) percent of total applicable points equals a letter grade of D; and,
   e. Thirty-one (31) percent of total applicable points or less equals a letter grade of F.

(5) District Grading System. The Commissioner shall assign a letter grade of A, B, C, D, or F to each school district annually as provided in Section 1008.34(5), F.S., based on the components in subsection (4) of this rule and the processes in subsections (2) and (3). In addition to the students included in the district's schools' grades, students who were not full-year-enrolled at a school but who were full-year-enrolled within the district shall be included in the district's grade.

(6) Withholding or Revoking a Grade. Notwithstanding paragraph (3)(a), and subsection (5) of this rule, a school or district grade shall be withheld or revoked, and designated as incomplete (I), if the data does not accurately represent the progress of the school or district.

(a) The circumstances where data does not accurately represent the progress of a school or district are where:

1. The percent of students tested at the school or district is less than ninety-five (95) percent of the school's or district's eligible student population, or
2. Before, during, or following the administration of any state assessment, the validity or integrity of the test administration or results are under review and investigation based upon allegations of test administration and security violations as described in Section 1008.24, F.S. or Rule 6A-10.042, F.A.C.

(b) Upon conclusion of the review and investigation, and a determination by the Department that the data accurately represent the progress of the school or district, the Department shall assign a letter grade to the school or district, based upon the provisions of this rule.

(7) School District Responsibility and Review Process.

(a) Each school district shall be responsible for providing to the Department accurate, complete, and timely school district data so that the Department can calculate school grades in accordance with the requirements of this rule and Section 1008.34, F.S.

(b) Each school district superintendent shall designate a school accountability contact person who is responsible for verifying the data submitted to the Department for use in school grades.

(c) Based upon the data provided by school districts, the Department shall create data files from which grades will be calculated and provide districts the opportunity to review these files and make corrections, updates, and provide additional matches.

(d) Subsequent to the review process described in paragraph (7)(c) of this rule, the Department shall provide school districts preliminary school grades for the schools in the district.
(e) Districts shall be afforded an opportunity to contest or appeal a preliminary school grade within thirty (30) days of the release of the preliminary school grade.
(f) A successful grade appeal requires that the district clearly demonstrate the following:
1. Due to the omission of student data, a data miscalculation, or a special circumstance beyond the control of the district, a different grade would be assigned to a school, or
2. Where the percent of students tested is less than ninety-five (95) percent at a school and the school did not receive a grade, that the student data accurately represents the progress of the school.
(g) An appeal shall not be granted under the following circumstances:
1. It was not timely received;
2. It was not submitted by the district superintendent;
3. It would not result in a different grade, if granted, or
4. It relies upon data that the district had the opportunity to correct but failed to do so, under the process described in paragraph (7)(c) of this rule, or the data reporting processes as defined in Rule 6A-1.0014, F.A.C., Comprehensive Management Information Systems.
(h) In order to ensure that districts have the opportunity to submit and review data upon which grades are calculated, the Department shall annually publish at http://www.fldoe.org/accountability/accountability-reporting/school-grades/index.stml, the timeframes and deadlines for these activities. Districts shall be afforded a minimum of fourteen (14) days to submit corrections as a result of the review opportunity set forth in paragraph (7)(c) of this rule.

Rulemaking Authority 1001.02, 1008.22, 1008.34, 1008.345 FS. Law Implemented 1008.22, 1008.34, 1008.345 FS. History–New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, 6-19-08, 11-26-08, 11-12-09, 6-21-11, 7-16-12, 1-17-13, 5-21-13, 12-3-13, 2-9-16, 2-20-18, 7-14-21.

State Board Rule 6A-1.099811 - Differentiated Accountability

Effective October 24, 2019

This rule discusses the requirement of differentiated accountability for schools who are not performing well.

https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.099811

6A-1.09981 School and District Accountability.

(1) Purpose. The purpose of this rule is to provide the definitions and policies for school and district grades accountability systems.
(2) Definitions. For the purpose of this rule, the following definitions shall apply:
(a) "Full-year-enrolled student" means a student who is present for both the second and third period full-time equivalent (FTE) student membership surveys as specified in Rule 6A-1.0451, F.A.C., and who is still enrolled at the time of statewide standardized testing.
(b) "Learning gains" means that the student demonstrates growth from one (1) year to the next year sufficient to meet the criteria below. Learning gains may be demonstrated in English Language Arts and Mathematics.
1. Students with two (2) consecutive years of valid Florida Standards Assessment scores may demonstrate learning gains in four (4) different ways.
a. Students who increase at least one (1) achievement level on the Florida Standards Assessment in the same subject area.
b. Students who scored below Achievement Level 3 on the Florida Standards Assessment in the prior year and who advance from one subcategory within Achievement Level 1 or 2 in the prior year to a higher subcategory in the current year in the same subject area. Achievement Level 1 is comprised of three (3) equal subcategories, and Achievement Level 2 is comprised of two (2) equal subcategories. Subcategories are determined by dividing the scale of Achievement Level 1 into three (3) equal parts and dividing the scale of Achievement Level 2 into two (2) equal parts. If the scale range cannot be evenly divided into three (3) equal parts for Achievement Level 1 or into two (2) equal parts for Achievement Level 2, no subcategory may be more than one (1) scale score point larger than the other subcategories; the highest subcategories shall be the smallest.
c. Students whose score remained at Achievement Level 3 or 4 on the Florida Standards Assessment in the current year and whose scale score is greater in the current year than the prior year in the same subject area. This does not apply to students who scored in a different achievement level in the prior year in the same subject area.
d. Students who scored at Achievement Level 5 in the prior year on the Florida Standards Assessment and who score in the same Achievement Level in the current year in the same subject area.
2. Students with two (2) consecutive years of valid Florida Standards Alternate Assessment scores may demonstrate learning gains in four (4) different ways.
a. Students who increase at least one (1) achievement level on the Florida Standards Alternate Assessment in the same subject area.
b. Students who scored below Achievement Level 3 on the Florida Standards Alternate Assessment in the prior year and who advance from one subcategory within Achievement Level 1 or 2 in the prior year to a higher subcategory in the current year in the same subject area. Achievement Level 1 is comprised of three (3) equal subcategories, and Achievement Level 2 is comprised of two (2) equal subcategories. Subcategories are determined by dividing the scale of Achievement Level 1 into three (3) equal parts and dividing the scale of Achievement Level 2 into two (2) equal parts. If the scale range cannot be evenly divided into three (3) equal parts for Achievement Level

1 or into two (2) equal parts for Achievement Level 2, no subcategory may be more than one (1) scale score point larger than the other subcategories; the highest subcategories shall be the smallest.

c. Students who scored at Achievement Level 3 on the Florida Standards Alternate Assessment in the prior year and who maintain the same Achievement Level 3 subcategory or move from the lower subcategory to the higher subcategory. Subcategories are determined by dividing the scale of Achievement Level 3 into two (2) equal parts. If the scale range cannot be evenly divided into two (2) equal parts for Achievement Level 3, then the highest subcategory shall be the smallest.

d. Students who scored at Achievement Level 4 in the prior year on the Florida Standards Alternate Assessment and who score in the same Achievement Level in the current year in the same subject area.

(c) "Passing" means that the student must attain a statewide standardized assessment score of Achievement Level 3 or higher.

(d) "School grade component" means the areas listed in paragraphs (4)(a), (4)(b) and (4)(c) of this rule.

(e) "School grades school year" means the fall, winter, spring, and the preceding summer for the purposes of the school grades calculation.

(f) "Statewide standardized assessments" means the assessments required in Section 1008.22(3), F.S., including the comprehensive statewide assessments, the end-of-course assessments, and the alternate assessments.

(g) "Students in the lowest twenty-five (25) percent" means current year full-year-enrolled students whose prior year assessment scores are in the lowest performing twenty-five (25) percent on the statewide standardized assessments in the subject areas of English Language Arts or Mathematics for each school.

(h) "Subject areas" means the four (4) areas of English Language Arts (English Language Arts in grades 3 through 10), Mathematics (Mathematics in grades 3 through 8, Algebra 1, and Geometry), Science (Science in grades 5 and 8, and Biology 1), and Social Studies (Civics and U.S. History).

(3) School Accountability Framework.

(a) Each school shall be assigned a letter grade of A, B, C, D, or F annually.

(b) A school shall receive a grade based solely on the components for which it has sufficient data. Sufficient data exists when at least ten (10) students are eligible for inclusion in the calculation of the component. If a school has less than ten (10) eligible students with data for a particular component, that component shall not be calculated for the school.

(c) Student performance data for alternative schools that choose to receive a school improvement rating and are not charter schools shall be included in the school grade of the student's home-zoned school. This data is limited to the components listed in paragraph (4)(a) of this rule.

(d) Student performance data for hospital and homebound students shall be included in the school grade of the student's home-zoned school. This data is limited to the components listed in paragraph (4)(a) of this rule.

(e) To ensure that student data accurately represent school performance, schools shall assess at least ninety-five (95) percent of their students to qualify for a school grade, unless the school only has sufficient data for the components found in paragraphs (4)(b) and (c) of this rule.

(f) To be included as an assessed student, in the percent-tested measure, a student must be enrolled during the third period full-time equivalent (FTE) student membership survey, as specified in Rule 6A-1.0451, F.A.C., enrolled at the time of testing, and assessed on the statewide standardized assessments or the English Language Proficiency Assessment, for a student who is a first year English Language Learner as provided in Rule 6A-1.09432, F.A.C., and did not take the English Language Arts statewide assessment.

(g) English Language Learners, as defined in Rule 6A-6.0901, F.A.C., shall be included in the achievement components in subparagraphs (4)(a)1.-4. of this rule, once they have been enrolled in school in the United States for two (2) years. English Language Learners will be included in the learning gains components in subparagraphs (4)(a)5.-8. of this rule, beginning with their first year in school in the United States. For English Language Learners in their first year in school in the United States, who do not take the statewide standardized English Language Arts assessment, an English Language Arts linked score will be calculated for them based on their English Language Proficiency Assessment results. This linked score will be used as the prior year score in the learning gains calculation.

(h) High school students' statewide end-of-course assessment scores used for achievement and learning gains measures will be scores for the assessments administered to students for the first time in high school and must be for a course in which the student was enrolled. If a student took the assessment for the first time in high school and then retook the assessment during the same school grades school year while enrolled in the course, the highest score will be included in the calculation.

(i) Middle school students' statewide end-of-course assessment scores used for achievement, learning gains, and middle school component measures will be scores for a course in which the student was enrolled. If a student retook the assessment during the same school grades school year while enrolled in the course, the highest score will be included in the calculation.

(4) School Grading System. The school grade components shall be calculated as a percentage, with the possible points listed by the component.

(a) School Grading Components for all Schools.

1. English Language Arts Achievement. (100 points) The percentage of full-year-enrolled students who took and passed a statewide standardized assessment for grades 3 through 10 in English Language Arts.
2. Mathematics Achievement. (100 points) The percentage of full-year-enrolled students who took and passed the statewide standardized assessment in Mathematics for grades 3 through 8, the statewide standardized end-of-course assessment in Algebra 1 or Geometry. If a student is enrolled in more than one (1) mathematics course that has an associated statewide standardized assessment, the student's highest score shall be used in the calculation.
3. Science Achievement. (100 points) The percentage of full-year-enrolled students who took and passed the statewide standardized assessment in Science for grades 5 or 8 or the statewide standardized end-of-course assessment in Biology 1.
4. Social Studies Achievement. (100 points) The percentage of full-year-enrolled students who took and passed the statewide standardized end-of-course assessment in Civics or U.S. History. If a student is enrolled in more than one (1) social studies course that has an associated statewide end-of-course assessment, the student's highest score shall be used in the calculation.

5. Learning gains in English Language Arts. (100 points) The percentage of full-year-enrolled students demonstrating learning gains in English Language Arts.
6. Learning gains in Mathematics. (100 points) The percentage of full-year-enrolled students demonstrating learning gains in Mathematics.
7. Learning gains of the lowest twenty-five (25) percent of students in English Language Arts. (100 points) The percentage of full-year-enrolled students who scored in the lowest twenty-five (25) percent in the prior year who demonstrated current year learning gains in English Language Arts.
8. Learning gains of the lowest twenty-five (25) percent of students in Mathematics. (100 points) The percentage of full-year-enrolled students who scored in the lowest twenty-five (25) percent in the prior year who demonstrated current year learning gains in Mathematics.

(b) School Grading Component for Middle Schools. (100 points) The middle school grading component shall be calculated for schools comprised of grades 6, 7, and 8 and schools comprised of grades 7 and 8. In addition, if a school includes grades 6, 7, and 8 or grades 7 and 8 with other grade levels, that school shall be included in the middle school component.

1. An eligible student for this component is a full-year-enrolled student, who is a current year grade 8 student who scored at or above Achievement Level 3 on the Mathematics statewide standardized assessments in the prior year, or is a full-year-enrolled student in grade 6, 7, or 8, who took a high school level statewide standardized end-of-course assessment or an industry certification examination identified in the industry certification funding list adopted in Rule 6A-6.0573, F.A.C.
2. The middle school component shall be calculated as the percentage of eligible students who passed one (1) or more high school level statewide standardized end-of-course assessments in Algebra 1, Geometry, Biology 1, or U.S. History; or who earned a high school industry certification, identified in the Industry Certification Funding List adopted in Rule 6A-6.0573, F.A.C.
3. For the purpose of calculating the middle school component, a student shall be included no more than once each school grades school year.

(c) School Grading Components for High Schools. The high school grading component shall be calculated for schools comprised of grades 9, 10, 11, and 12 or grades 10, 11, and 12. In addition, if a school includes grades 9, 10, 11, and 12 or grades 10, 11, and 12, with other grade levels, that school shall be included for the high school grading component. In addition, schools comprised of grades 11 and 12 shall be eligible for the high school grading component. High school grades shall include the following components.

1. Graduation Rate. (100 points) The four-year high school graduation rate of the school as measured according to 34 CFR §200.19, Other Academic Indicators, effective November 28, 2008, (http://www.flrules.org/Gateway/reference.asp?No=Ref-01332) and referred to as the four-year adjusted cohort graduation rate. This federal regulation is incorporated by reference and may be obtained by contacting the Division of Accountability, Research, and Measurement, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.
2. College and Career Acceleration. (100 points) The percentage of students included as graduates in the graduation rate from subparagraph (4)(c)1. of this rule, who, while in high school, earned the following:
   a. A score making them eligible to earn college credit through College Board Advanced Placement (AP) examinations, International Baccalaureate (IB) examinations, or Advanced International Certificate of Education (AICE) examinations according to the requirements of Rule 6A-10.024, F.A.C.;
   b. College credit through dual enrollment courses according to the requirements of Rule 6A-14.064, F.A.C., or, beginning with the 2021-2022 calculation of school grades, through the completion of three hundred (300) or more clock hours through career dual enrollment courses according to the requirements of Rule 6A-6.0575, F.A.C.; or
   c. Career and Professional Education (CAPE) industry certification or a CAPE acceleration industry certification identified in the Industry Certification Funding List adopted in Rule 6A-6.0573, F.A.C.; or
   d. Beginning with the 2022-2023 calculation of school grades, an Armed Services Qualification Test score that falls within Category II or higher (a score of 65 or higher on a score scale of 1 to 99) on the Armed Services Vocational Aptitude Battery (ASVAB) and at least two (2) credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces, as identified in the "Course Code Directory and Instructional Personnel Assignments" adopted by Rule 6A-1.09441, F.A.C.
3. For the purpose of calculating a school's college and career acceleration component, a student shall be included no more than once.

(d) Procedures for Calculating School Grades.

1. A school letter grade of A, B, C, D, or F shall be calculated based on the percentage of possible points earned by each school for the components applicable to the school. In the calculation of a school's grade, 100 points are available for each component with sufficient data, with one (1) point earned for each percentage of students meeting the criteria for the component. The points earned for each component shall be expressed as whole numbers by rounding the percentages. Percentages with a value of .5 or greater will be rounded up to the nearest whole number, and percentages with a value of less than .5 will be rounded down to the nearest whole number.
2. The school's grade is determined by summing the points earned for each component and dividing this sum by the total number of available points for all components with sufficient data. The percentage resulting from this calculation shall be expressed as a whole number using the rounding convention described in this subparagraph.
3. Letter grades shall be assigned to schools based on the percentage of total applicable points earned as follows:
   a. Sixty-two (62) percent of total applicable points or higher equals a letter grade of A;
   b. Fifty-four (54) to sixty-one (61) percent of total applicable points equals a letter grade of B;
   c. Forty-one (41) to fifty-three (53) percent of total applicable points equals a letter grade of C;
   d. Thirty-two (32) to forty (40) percent of total applicable points equals a letter grade of D; and,
   e. Thirty-one (31) percent of total applicable points or less equals a letter grade of F.

(5) District Grading System. The Commissioner shall assign a letter grade of A, B, C, D, or F to each school district annually as provided in Section 1008.34(5), F.S., based on the components in subsection (4) of this rule and the processes in subsections (2) and (3). In addition to the students included in the district's schools' grades, students who were not full-year-enrolled at a school but who were full-year-enrolled within the district shall be included in the district's grade.

(6) Withholding or Revoking a Grade. Notwithstanding paragraph (3)(a), and subsection (5) of this rule, a school or district grade shall be withheld or revoked, and designated as incomplete (I), if the data does not accurately represent the progress of the school or district.
(a) The circumstances where data does not accurately represent the progress of a school or district are where:
1. The percent of students tested at the school or district is less than ninety-five (95) percent of the school's or district's eligible student population, or
2. Before, during, or following the administration of any state assessment, the validity or integrity of the test administration or results are under review and investigation based upon allegations of test administration and security violations as described in Section 1008.24, F.S. or Rule 6A-10.042, F.A.C.
(b) Upon conclusion of the review and investigation, and a determination by the Department that the data accurately represent the progress of the school or district, the Department shall assign a letter grade to the school or district, based upon the provisions of this rule.
(7) School District Responsibility and Review Process.
(a) Each school district shall be responsible for providing to the Department accurate, complete, and timely school district data so that the Department can calculate school grades in accordance with the requirements of this rule and Section 1008.34, F.S.
(b) Each school district superintendent shall designate a school accountability contact person who is responsible for verifying the data submitted to the Department for use in school grades.
(c) Based upon the data provided by school districts, the Department shall create data files from which grades will be calculated and provide districts the opportunity to review these files and make corrections, updates, and provide additional matches.
(d) Subsequent to the review process described in paragraph (7)(c) of this rule, the Department shall provide school districts preliminary school grades for the schools in the district.
(e) Districts shall be afforded an opportunity to contest or appeal a preliminary school grade within thirty (30) days of the release of the preliminary school grade.
(f) A successful grade appeal requires that the district clearly demonstrate the following:
1. Due to the omission of student data, a data miscalculation, or a special circumstance beyond the control of the district, a different grade would be assigned to a school, or
2. Where the percent of students tested is less than ninety-five (95) percent at a school and the school did not receive a grade, that the student data accurately represents the progress of the school.
(g) An appeal shall not be granted under the following circumstances:
1. It was not timely received;
2. It was not submitted by the district superintendent;
3. It would not result in a different grade, if granted, or
4. It relies upon data that the district had the opportunity to correct but failed to do so, under the process described in paragraph (7)(c) of this rule, or the data reporting processes as defined in Rule 6A-1.0014, F.A.C., Comprehensive Management Information Systems.
(h) In order to ensure that districts have the opportunity to submit and review data upon which grades are calculated, the Department shall annually publish at http://www.fldoe.org/accountability/accountability-reporting/school-grades/index.stml, the timeframes and deadlines for these activities. Districts shall be afforded a minimum of fourteen (14) days to submit corrections as a result of the review opportunity set forth in paragraph (7)(c) of this rule.

Rulemaking Authority 1001.02, 1008.22, 1008.34, 1008.345 FS. Law Implemented 1008.22, 1008.34, 1008.345 FS. History–New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, 5-15-06, 6-19-08, 11-26-08, 11-12-09, 6-21-11, 7-16-12, 1-17-13, 5-21-13, 12-3-13, 2-9-16, 2-20-18, 7-14-21.

State Board Rule 6A-1.099822 - School Improvement Rating for Alternative Schools

Effective February 20, 2018

This rule discusses the requirement of applying a school improvement rating for alternative schools who do not receive a traditional school grade.

https://www.flrules.org/gateway/ruleNo.asp?id=6A-1.099822

6A-1.099822 School Improvement Rating for Alternative Schools.

(1) Purpose. The purpose of this rule is to provide the definitions and policies for school improvement ratings as required in Sections 1008.34 and 1008.341, F.S.
(2) Definitions. For the purposes of this rule, the following definitions shall apply:
(a) "Alternative schools." For purposes of school accountability improvement ratings, an alternative school is any school that provides dropout prevention and academic intervention services pursuant to Section 1003.53, F.S.
(b) "Exceptional Student Education (ESE) Center School" means exceptional student education center schools as defined in Rule 6A-1.099828, F.A.C.
(c) "Learning gains" means learning gains calculated based on the provisions of Rule 6A-1.09981, F.A.C., except retake assessments for the statewide standardized end-of-course and grade 10 English Language Arts assessments shall be included in the calculation when first-time statewide standardized assessments are not available for a student. For grades 9 through 12, "first-time" designates an assessment that is administered to a student for the first time during enrollment in high school (grades 9 through 12). In addition, concordant and comparison scores as identified in Rule 6A-1.094223, F.A.C., may be used to demonstrate learning gains for students in grades 9 through 12 who scored at Achievement Levels 1 or 2 in the prior year in the same subject area.

(3) School Improvement Rating Framework.

(a) Prior to the calculation of school improvement ratings for alternative schools, as described in this rule, the Department of Education will annually identify alternative schools based on the information submitted by school districts.

1. Districts will be given two (2) weeks to submit recommended additions and deletions to the Department through the Master School Identification information change process described in Rule 6A-1.0016, F.A.C.

(b) Schools identified as alternative schools and ESE Center schools have the option of earning a school grade, pursuant to Section 1008.34, F.S., or a school improvement rating, as outlined in subsection (4) of this rule. Each alternative school identified as described in paragraph (3)(a) of this rule and ESE Center school identified pursuant to Rule 6A-1.099828, F.A.C., shall indicate whether it chooses to receive a school grade or a school improvement rating. Schools that do not indicate a choice will receive a school improvement rating.

(c) Each alternative school or ESE Center school that does not choose to receive a school grade shall be assigned a school improvement rating of Commendable, Maintaining, or Unsatisfactory annually based on the provisions of this rule.

(d) To ensure that student data accurately represent school performance, schools shall assess at least eighty (80) percent of their eligible students to qualify for a school improvement rating. If a school tests less than ninety (90) percent of its students, the school may not earn a rating higher than Maintaining.

(e) Eligible students for determining the percent tested. The percent-tested calculation shall be based on the count of students who were enrolled during the third period full-time equivalent (FTE) student membership survey as specified in Rule 6A-1.0451, F.A.C., and who were also enrolled at the time of statewide standardized testing.

(f) A school shall receive a rating based solely on the components for which it has sufficient data to perform the calculation. Sufficient data exists when at least ten (10) students are eligible for inclusion in the calculation of the component. If a school does not have sufficient data to calculate a measure, that measure shall not be calculated for the school. If a school does not have sufficient data to receive a rating for three (3) consecutive years, then in the third year the school will receive a rating based on the most recent three (3) years of data.

(4) School Improvement Rating System.

(a) The school improvement rating system shall include the following components for all alternative schools and ESE Center schools selecting to receive a school improvement rating.

1. Learning gains in English Language Arts. The percentage of students enrolled in the second or third period full-time equivalent (FTE) student membership surveys as specified in Rule 6A-1.0451, F.A.C., and were tested, who demonstrate learning gains in English Language Arts as defined in paragraph 6A-1.09981(2)(b), F.A.C.

2. Learning gains in Mathematics. The percentage of students enrolled in the second or third period full-time equivalent (FTE) student membership surveys as specified in Rule 6A-1.0451, F.A.C., and were tested, who demonstrate learning gains in Mathematics (on the statewide standardized Mathematics assessment for grades 3 through 8, Algebra 1, and Geometry), as defined in paragraph 6A-1.09981(2)(b), F.A.C.

(b) Procedures for calculating school improvement ratings.

1. The overall school improvement rating of Commendable, Maintaining, or Unsatisfactory as designated in Section 1008.341(2), F.S., shall be calculated based on the percentage of possible points earned by each school for the components applicable to the individual school. In the calculation of the school's improvement rating, 100 points are available for each component with sufficient data, with one (1) point earned for each percentage of students meeting the criteria for the component. The points earned for each component shall be expressed as whole numbers by rounding the percentages. Percentages with a value of .5 or greater will be rounded up to the nearest whole number, and percentages with a value of less than .5 will be rounded down to the nearest whole number. The school's improvement rating is determined by summing the earned points for each component and dividing this sum by the total number of available points for all components with sufficient data. The percentage resulting from this calculation shall be expressed as a whole number using the rounding convention described in this subparagraph.

2. School improvement ratings shall be assigned to schools based on the percentage of total applicable points earned as follows:

a. Fifty (50) percent of total applicable points or higher equals a rating of Commendable;

b. Twenty-six (26) to forty-nine (49) percent of total applicable points equals a rating of Maintaining; and,

c. Twenty-five (25) percent of total applicable points or less equals a rating of Unsatisfactory.

(5) Notwithstanding paragraph (3)(c), of this rule, the provisions of subsections 6A-1.09981(6) and (7), F.A.C. shall apply to school improvement ratings except that the provisions of subparagraphs (6)(a)1. and (7)(f)2., regarding the percent of students tested at the school, is applicable when the percent of students tested at the school is less than eighty (80) percent of the school's eligible student population.

State Board Rule 6A-1.099827 - Charter School CAPs & SIPs

Effective October 17, 2017

This rule discusses the requirement of charter schools corrective action and school improvement plans.

https://www.flrules.org/gateway/RuleNo.asp?title=FINANCE%20AND%20ADMINISTRATION&ID=6A-1.099827

6A-1.099827 Charter School Corrective Action and School Improvement Plans.

(1) Required Plans.
(a) A charter school that receives a school grade of "D" or "F" pursuant to Section 1008.34(2), F.S., must develop and submit a school improvement plan to its sponsor.
(b) A charter school that earns three (3) consecutive grades below a "C" must submit to its sponsor a school improvement plan that includes one of the corrective actions listed in subsection (6), of this rule.
(2) Notifications.
(a) Upon release of school grades the Department of Education will publish a list of charter schools that meet the criteria in subsection (1), of this rule. The list will be published at http://www.fldoe.org/schools/schools-choice/charter-schools/. Upon publication of the list by the Department of Education, a sponsor shall notify, in writing, each charter school in its district that is required to appear before the sponsor and submit a school improvement plan pursuant to subsection (1), of this rule. The notification shall include the following:
1. The date, time, and location of the publicly noticed meeting that the director and a representative of the Charter School Governing Board shall appear before the sponsor. For the purposes of this rule the term "Director" shall mean charter school director, principal, chief executive officer or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after notification is received by the school,
2. The date by which the school must submit its proposed school improvement plan to sponsor staff for review which shall be no earlier than thirty (30) calendar days after notification is received by school; and,
3. Whether the school is required to select a corrective action pursuant to paragraph (1)(b), of this rule.
(b) Notifications may be delivered electronically with proof of receipt.
(3) Appearances.
(a) Upon receipt of notification pursuant to subsection (2), of this rule, the director and a representative of the governing board shall appear before the sponsor at the publicly noticed meeting.
(b) The director and governing board representative shall present to the sponsor a school improvement plan that includes, at a minimum, the components identified in subsection (4), of this rule.
(4) School Improvement Plans.
(a) A charter school that receives a school grade of "D" or "F", but is not subject to corrective action pursuant to paragraph (1)(b), of this rule, shall submit to its sponsor a school improvement plan that includes, at a minimum, the following components:
1. Mission statement of school,
2. Academic data for most recent three (3) years, if available,
3. Student achievement objectives included in the charter contract or most recent sponsor approved school improvement plan,
4. Analysis of student performance data including academic performance by each subgroup,
5. Detailed plan for addressing each identified deficiency in student performance, including specific actions, person responsible, resources needed, and timeline,
6. Identification of each component of school's approved educational program that has not been implemented as described in the school's approved charter application or charter contract,
7. Detailed plan for addressing each identified deficiency noted in subparagraph (4)(a)6., of this rule, including specific actions, person responsible, resources needed, and timeline,
8. Identification of other barriers to student success, with a detailed plan for addressing each barrier including specific actions, person responsible, resources needed, and timeline; and,
9. Specific student achievement outcomes to be achieved.
(b) A charter school that is subject to corrective action pursuant to paragraph (1)(b), of this rule, shall submit to its sponsor a school improvement plan that includes, at a minimum, each of the components listed in paragraph (4)(a), of this rule, and the following:
1. Governing board resolution selecting one of the corrective action options pursuant to subsection (6), of this rule,
2. A detailed implementation timeline; and,
3. A charter school may submit as part of its school improvement plan a request to waive the requirement to implement a corrective action. The waiver request must include information that demonstrates that the school is likely to improve a letter grade if additional time is provided to implement the strategies included in the school improvement plan.
(5) Approvals.
(a) A sponsor shall approve or deny a school improvement plan submitted pursuant to subsection (4), of this rule. The sponsor shall notify the charter school in writing within ten (10) calendar days of its decision to approve or deny the school improvement plan.
(b) A sponsor may deny a school improvement plan if it does not comply with subsection (4), of this rule. If denied, the sponsor shall provide the charter school, in writing, the specific reasons for denial and the timeline for resubmission.
(c) A charter school or sponsor may request mediation pursuant to Section 1002.33(6), F.S., if the parties cannot agree on a school improvement plan.
(6) Corrective Actions.
(a) Upon meeting one of the conditions in paragraph (1)(b), of this rule, and receiving notification pursuant to subsection (2), of this rule, a charter school governing board shall select one of the following corrective actions for implementation the following school year:

1. Contract for educational services to be provided directly to students, instructional personnel, and school administrators. The charter school may select an Education Management Organization or Academic Management Organization to provide services to charter school students, teachers, and administrators, including services such as, but not limited to, instructional coaching, curriculum review and alignment, and data literacy,
2. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school,
3. Reorganize the school under a new director or principal who is authorized to hire new staff,
4. Voluntarily close.

(b) The selection of the corrective action shall be made by the governing board and is not subject to sponsor approval.

(c) A charter school is no longer required to implement a corrective action if it improves to a "C" or higher, but must continue to implement the strategies identified in the school improvement plan.

(d) A charter school implementing a corrective action that does not improve to a "C" or higher after two (2) full school years of implementation must select a different corrective action to be implemented in the next school year unless the sponsor determines that the charter school is likely to improve a letter grade if additional time is provided.

(7) Monitoring.

(a) Sponsors shall monitor the implementation of school improvement plans.

(b) Annually, the sponsor shall notify, in writing, each charter school implementing a school improvement plan of the requirement to appear before the sponsor to present information regarding the progress of the approved school improvement plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.

(8) Waivers of Termination.

(a) The State Board of Education may waive termination for a charter school that has received two (2) consecutive grades of "F" 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 one (1) year and may only be granted once.

(b) No later than fifteen (15) days after the Department's official release of school grades, the governing board of a charter school that has received two (2) consecutive grades of "F" may submit a request to the State Board of Education for a waiver of termination. Charter schools that have been in operation for more than five (5) years are not eligible for a waiver.

(c) The charter school shall submit ten (10) hard copies of the waiver request to the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400.

(d) The charter school shall certify that it has provided the district school board a copy of the waiver request as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal.

(e) The waiver request shall not exceed five (5) pages. Information provided beyond the five (5) page maximum will not be discussed nor considered by the State Board of Education. The waiver request shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one (1) inch at the top, bottom, left and right.

(f) The waiver request must include the name of the school, the Master School Identification Number, and the physical address of the school. The waiver request must be signed by the chair of the charter school governing board and include a certification that the governing board voted at a duly noticed public meeting to support the submission of the waiver request.

(g) In determining whether to grant a waiver the State Board of Education shall review student achievement data provided by the Department of Education and shall provide such data to the charter school and the sponsor no later than seven (7) calendar days prior to the State Board meeting at which the waiver request is to be considered. Analysis of student learning gains data must be based on comparisons between students enrolled in the charter school and similarly situated students enrolled in nearby district public schools and may include such factors as prior performance on state assessments, disability status, and English language learner status. Nearby district public schools shall include the three (3) geographically closest district public schools with similarly situated students. If three such schools do not exist within the school district the comparison may include less than three.

(h) The State Board of Education shall approve or deny the request.

(i) The filing of a timely waiver request under this rule that complies with the requirements in paragraphs (8)(b), (d) and (f), of this rule, shall automatically stay any pending termination of the charter school requesting the waiver until such time as the State Board of Education has ruled on the waiver request.

State Board Rule 6A-1.0998271 – Schools of Hope

Effective February 20, 2018

This rule the schools of hope program whereby charters can be opened in high needs areas by successful operators and funds are available to offset the costs of loaning money to build out facilities in these areas.

https://www.flrules.org/gateway/ruleNo.asp?id=6A-1.0998271

6A-1.0998271 Schools of Hope.

(1) Definitions: For the purpose of this rule, the following definitions apply.

(a) "Department" means the Florida Department of Education.

(b) "Entity" means a non-profit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code that operates three (3) or more public charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families.

(c) "Charter School Growth Fund" means the non-profit entity Charter Fund Inc., dba Charter School Growth Fund, whose federal employer identification number is 05-0620063.

(d) "National Fund" means the fund established in 2005 by the Charter School Growth Fund to accelerate the growth of the nation's best charter schools.

(e) "Hope Operator" means an entity that has been designated by the State Board of Education as a Hope Operator pursuant to Section 1002.333(2), F.S.

(2) Process for designation as a Hope Operator.

(a) An entity may apply to the State Board of Education to request the Hope Operator designation.

(b) Until such time as the State Board of Education adopts measurable criteria pursuant to Section 1002.333(2)(a), F.S., an entity shall be designated as a Hope Operator if it submits a complete application and meets at least one of the following criteria:

1. The entity was awarded a United States Department of Education Charter School Program grant for the Replication and Expansion of High-Quality Charter Schools pursuant to Title IV, Part C of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (20 U.S.C. 7221-7221j) within the preceding three (3) years from the date the entity submits an application to the Department.
2. The entity has a current and active grant award for funding through the National Fund of the Charter School Growth Fund.
3. The entity is a non-profit charter school that is selected by a district school board to turnaround the performance of a low performing public school pursuant to Section 1008.33, F.S.

(c) An entity requesting the Hope Operator designation must complete and submit form SOH1, Application for Hope Operator Designation, hereby incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-09075) effective February 2018, and all required supporting documentation identified in form SOH1, to the Department at the address in subsection (8), of this rule. Form SOH1 may be obtained electronically on the Department of Education's website at http://www.floridaschoolschoice.org or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(d) Upon receipt of the Application for Hope Operator Designation, the Department shall review and verify the information and may request additional information necessary for verification purposes. The Department shall provide written notice to the entity indicating the status of the application and the date of the State Board of Education meeting at which the State Board will consider the application.

(e) Upon the State Board of Education voting to designate the entity as a Hope Operator, the Department shall provide official notice to the entity of such designation. If the Application for Hope Operator Designation is denied, the State Board of Education shall articulate in writing the specific reasons supporting its denial of the application and shall provide the letter of denial to the entity.

(3) Establishing a School of Hope. An entity that has been designated as a Hope Operator pursuant to Section 1002.333(2), F.S., and subsection (2), of this rule, may establish a School of Hope in the attendance zone or within a five (5) mile radius of a school identified as a persistently low-performing public school pursuant to Section 1002.333, F.S. The School of Hope must be located in the same school district as the Notice of Intent is filed. To establish a School of Hope, the Hope Operator must:

(a) Complete form SOH2, School of Hope Notice of Intent (http://www.flrules.org/Gateway/reference.asp?No=Ref-09076), hereby incorporated by reference and effective February 2018.

(b) Complete the designated sections of form SOH3, School of Hope Performance-based Agreement (PBA) (http://www.flrules.org/Gateway/reference.asp?No=Ref-09077), hereby incorporated by reference and effective February 2018. The designated sections of form SOH3, School of Hope Performance-based Agreement, which are to be completed by the Hope Operator, are shaded and marked with brackets. Forms SOH2 and SOH3 may be obtained electronically on the Department of Education's website at http://www.floridaschoolschoice.org or from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

(c) Submit the completed Notice of Intent and School of Hope Performance-based Agreement forms to the Superintendent of the school district in which the persistently low-performing school has been identified by the Department. The forms shall be either hand delivered or sent certified mail with a return receipt requested. The entity shall provide a copy of the completed forms to the Department at the same time they are submitted to the Superintendent. The forms may be provided to the Department electronically or via regular mail at the address in subsection (8), of this rule.

(d) Within ten (10) days of receipt of the Notice of Intent and School of Hope Performance-based Agreement forms, the school district shall notify the Hope Operator of any errors or omissions in the notice and PBA and afford the Hope Operator ten (10) days to complete and resubmit the forms. Errors or omission of an element by a Hope Operator shall not provide a school district any

relief from its obligation to enter a Performance-based Agreement unless identified as provided in this paragraph.

(e) Upon receipt of the Notice of Intent and PBA as provided in paragraph (d), the school district shall send the Hope Operator and the Department a notice of the date of receipt, which shall serve as the date when the sixty-day period to enter into a School of Hope Performance-based Agreement begins.

(4) Performance-Based Agreement. Upon receipt of a complete Notice of Intent and draft School of Hope Performance-based Agreement form from an entity that has been designated by the State Board of Education as a Hope Operator, the District shall enter into a performance-based agreement with the entity within sixty (60) days to open one or more public Schools of Hope to serve students from persistently low-performing schools.

(a) If the District proposes revisions to the Performance-based Agreement submitted by the Hope Operator, it shall indicate such proposed revisions with strike-through text for proposed deletions and underlined text for proposed additions. All proposed revisions must be consistent with the requirements in Section 1002.333(5), F.S.

(b) Upon execution of the performance-based agreement, the District shall provide a copy of the agreement to the entity and to the Department within ten (10) days.

(c) If the District fails to enter into a performance-based agreement with the Hope Operator within sixty (60) days the district shall reduce the administrative fees withheld pursuant to Section 1002.33(20), F.S., as directed by Section 1002.333(8), F.S.

(d) The Hope Operator or school district may petition the State Board of Education for dispute resolution if the parties fail to enter into a PBA at least sixty (60) days after submission of the Notice of Intent pursuant to paragraph (5)(a), of this rule.

(e) The performance-based agreement may be amended if both parties mutually agree to the amended terms. The amended performance-based agreement must include the signatures of both parties.

(5) Dispute resolution between school districts and hope operators. Either of the parties may petition the Commissioner for referral of the dispute to the special magistrate, pursuant to Section 1002.333(11), F.S.

(a) A petition under this subsection shall specifically identify the parties involved in the dispute and describe the issues that remain to be resolved in relation to the performance-based agreement required by Section 1002.333(5), F.S., and the position of the petitioning party on the disputed issues. The Commissioner shall refer the matter to a special magistrate and advise the school district and the hope operator of the special magistrate's contact information by overnight mail. A non-petitioning party may submit a response to the petition to the special magistrate which must be received by the special magistrate within five (5) days of referral. The special magistrate shall enter an initial order detailing applicable procedures for conduct of the proceeding and the final hearing.

(b) The final hearing in a proceeding under this subsection shall be held in a location determined by the special magistrate. The Department shall record the meeting but, if any party desires that the proceedings be transcribed, that party will be responsible for making the necessary arrangements at its own expense.

(c) Within fifteen (15) days after the close of the final hearing, the special magistrate shall provide his or her recommended decision to the State Board of Education.

(d) The special magistrate shall submit the entire record from the final hearing to the State Board of Education which shall include the recording of the final hearing and any exhibits or evidence admitted during the final hearing.

(e) The State Board of Education must approve or reject the recommended decision at its next regular meeting that is more than seven (7) days from the transmission of the recommended order.

(6) The State Board shall not contract directly with a Hope Operator under Section 1002.333(11)(d), F.S., until receiving a recommendation from the special magistrate.

(7) This rule does not create a legal right to a performance based agreement with the State Board of Education.

(8) Forms or documentation submitted to the Department should be submitted electronically to HopeSchools@Fldoe.org or mailed to the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida, 32399.

State Board Rule 6A-5.066 – Approval of Teacher Preparation Programs

Effective October 24, 2019

This rule allows charter schools or school districts to develop teacher preparation programs.

https://www.flrules.org/gateway/ruleNo.asp?id=6A-5.066

6A-5.066 Approval of Teacher Preparation Programs.

This rule sets forth the requirements and implementation of the approval process for each type of teacher preparation program offered by a Florida provider as set forth in Sections 1004.04, 1004.85, and 1012.56(8), Florida Statutes.

(1) Definitions. For the purposes of this rule, the following definitions apply.

(a) "Academic year" means the period of year during which program candidates attend or complete a state-approved teacher preparation program. This includes summer term, fall term, and spring term.

(b) "Annual demonstration of experience in a relevant prekindergarten through Grade 12 (P-12) school setting" means P-12 school-based experiences occurring yearly that are related to and in a subject matter and grade level setting that are covered by the certification necessary for the field experience course(s) or internships that the program faculty is assigned to teach or supervise. Examples include, but are not limited to, co-teaching with a P-12 educator or providing P-12 instruction directly to P-12 students.

(c) "Annual Program Performance Report" or "APPR" means the yearly public report card issued by the Florida Department of Education (Department) for a state-approved teacher preparation program that includes results of outcome-based performance metrics specified in Sections 1004.04(4)(a), 1004.85(4)(b), and 1012.56(8)(d)2., F.S.

(d) "At-Risk of Low-Performing" means an institution identified as At-Risk of Low-Performing by having an average summative annual APPR rating between 1.80 to 1.94. This rating is based upon an average of all APPR scores within the continued approval period and across the provider's state approved teacher preparation programs which is weighted by the total number of completers used in the annual calculation of the APPR and excludes years where the APPR was calculated per paragraph (6)(e) of this rule.

(e) "Cohort" means a group of program completers who successfully satisfied all teacher preparation program requirements at any point during the academic year.

(f) "Content major" means the academic discipline to which a postsecondary student formally commits, e.g., mathematics, biology, history.

(g) "Continued approval" means that subsequent to an initial approval, a teacher preparation program has been granted the authority to operate for a seven-year period.

(h) "Critical teacher shortage areas" mean the specific certification areas in high-need content areas and high-priority location areas that are identified annually by the State Board of Education pursuant to Rule 6A-20.0131, F.A.C., in accordance with section 1012.07, F.S.

(i) "Educator Accomplished Practices" mean those practices described in subsection (2) of Rule 6A-5.065, F.A.C., which is incorporated herein by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-04963).

(j) "eIPEP" or "electronic Institutional Program Evaluation Plan" means a Department-maintained web-based tool for collection and reporting of candidate and completer performance data on state-approved teacher preparation programs.

(k) "Educator preparation institutes" or "EPIs" mean all Florida postsecondary or qualified private providers that provide instruction for non-education baccalaureate or higher degree holders under Section 1004.85, F.S., and result in qualification for an initial Florida Professional Educator's Certificate.

(l) "Equivalent program" means a teacher preparation program that is offered by more than one provider that prepares candidates in the same specific educator certification subject area(s).

(m) "Field experiences" mean activities associated with an instructional personnel's role that are conducted in prekindergarten through Grade 12 classroom settings.

(n) "In-field teacher" means an instructional employee assigned duties in a classroom teaching subject matter or providing direct support in the learning process of students in the area in which the instructional personnel is trained and certified.

(o) "Initial approval" means that a new teacher preparation program has been granted the authority to operate for a seven-year period.

(p) "Initial teacher preparation programs" or "ITPs" mean all programs offered by Florida postsecondary institutions that prepare instructional personnel under Section 1004.04, F.S., and result in qualification for an initial Florida Professional Educator's Certificate.

(q) "Instructional position" means any full-time or part-time position held by a K-12 staff member whose function includes the provision of direct instructional services to students or provides direct support in the learning process of students as prescribed in Section 1012.01(2)(a)-(d), F.S., but not including substitute teachers.

(r) "Low-Performing Institutions" means an institution who is identified as low-performing by having an average summative annual APPR rating that is at or below a 1.79. This rating is based upon an average of all APPR scores within the continued approval period and across the provider's state approved teacher preparation programs and excludes years where the APPR was calculated per paragraph (6)(e) of this rule.

(s) "Professional education competency program" or "PEC program" means a program under Section 1012.56(8), F.S., in which instructional personnel with a valid temporary certificate employed by a school district, or private school, or state-supported public school with a state-approved program, may demonstrate mastery of professional preparation and education competence through classroom application of the Florida Educator Accomplished Practices and instructional performance.

(t) "Performance of Prekindergarten-12 students on statewide assessments using results of student learning growth formula per Section 1012.34, F.S.," means that the score is based on the performance of P-12 students assigned to in-field program completers from the previous three-year period who received a

student learning growth score from the most recent academic year for which results are available.

(u) "Placement rate" means the number of program completers reported annually by each program to the Department who are identified by the Department's Staff Information System, as prescribed in Section 1008.385(2), F.S., as employed in a full-time or part-time instructional position in a Florida public school district in either the first or second academic year subsequent to program completion. Program completers employed in a private or out-of-state P-12 school their first or second year following program completion are also included in the calculation if data are reported by the program and have been verified. If a program provides documentation of a program completer's employment as a school administrator as defined in Section 1012.01(3)(c), F.S., in a private or out-of-state school, or a program completer's death or disability, the number of program completers included in the calculation will be adjusted.

(v) "Production of program completers in statewide critical teacher shortage areas per Rule 6A-20.0131, F.A.C., in accordance with Section 1012.07, F.S.," means a bonus score is awarded when the number of program completers in specified critical teacher shortage areas increases from the most recent year compared to the number of program completers from the previous academic year.

(w) "Professional development certification program" or "PDCP" means a program in which a school district, charter school or charter management organization may provide instruction for members of its instructional staff who are non-education baccalaureate or higher degree holders under Section 1012.56(8), F.S., and results in qualification for an initial Florida Professional Educator's Certificate.

(x) "Program candidate" means an individual who has been admitted into and is currently enrolled in, but has not yet completed a teacher preparation program that prepares instructional personnel to meet the qualifications for a Florida Professional Educator's Certificate.

(y) "Program completer" means an individual who has satisfied all teacher preparation program requirements and who meets the qualifications for the Florida Professional Educator's Certificate.

(z) "Program completer in need of remediation" means an individual who is employed in an instructional position in a Florida public school during the first two (2) years immediately following completion of the program or following initial certification, whichever occurs first, and who earns an evaluation result of developing or unsatisfactory on the school district's evaluation system implemented under Section 1012.34, F.S.

(aa) "Provider" means a Florida postsecondary institution, private provider, school district, charter school, or charter management organization.

(bb) "Reading endorsement competencies" mean those standards described in Rule 6A-4.0163, F.A.C., which is incorporated herein by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-04962).

(cc) "Results of program completers' annual evaluations as specified in Section 1012.34, F.S.," mean that scores are based on program completers from the previous three-year period who received an annual evaluation rating from the most recent academic year.

(dd) "Retention rate" means the average number of years that program completers are employed in a full-time or part-time instructional position in a Florida public school district at any point each year in a five-year period following initial employment in either of the two (2) subsequent academic years following program completion. Program completers employed in a private or out-of-state P-12 school their first or second year following program completion are also included in the calculation if data are reported by the program and have been verified. If a program provides documentation of a program completer's employment as a school administrator as defined in Section 1012.01(3)(c), F.S., in a private or out-of-state school, or a program completer's death or disability, the number of program completers included in the calculation will be adjusted.

(ee) "Student performance by subgroup" means the performance of students in P-12 who are assigned to in-field program completers aggregated by student subgroup, as referenced in Sections 1004.04(4)(a)3.d., 1004.85(4)(b)4. and 1012.56(8)(d)2.c., F.S., as a measure of how well the teacher preparation program prepares instructional personnel to work with a diverse population of students in a variety of settings in Florida public schools. The score is based on in-field program completers from the previous three-year period who received a student learning growth score from the most recent academic year.

(ff) "Teacher preparation program" means a state-approved course of study, the completion of which signifies that the candidate has met all training and assessment requirements for initial certification to provide direct instructional services to P-12 students.

(gg) "Ten (10) percent waiver" means that an initial teacher preparation program (ITP) may annually waive admission requirements specified in Section 1004.04(3)(b)1.-2., F.S., for up to ten (10%) percent of the students admitted in the academic year.

(hh) "Two-year guarantee" means that an initial teacher preparation program (ITP) must provide assurance of the high quality of its program completers during the first two (2) years immediately following completion of the program or following the initial certification of the program completer, whichever occurs first, as specified in Section 1004.04(4)(d), F.S.

(ii) "Uniform Core Curricula" means the following for all state-approved teacher preparation programs, except as noted:

1. The standards contained in the Educator Accomplished Practices.
2. State content standards as prescribed in Rule 6A-1.09401, F.A.C.
3. Scientifically researched and evidence-based reading instructional strategies appropriate to the candidate's teacher preparation program area as follows:
   a. Candidates in prekindergarten-primary (age 3-Grade 3), elementary (K-6), and exceptional student education (K-12) certification programs shall be prepared in reading endorsement competencies one (1) through four (4).
   b. Candidates in middle grades (5-9), secondary (6-12), and elementary and secondary coverage (K-12) certification programs shall be prepared in reading endorsement competencies one (1) and two (2).
   c. ITP candidates in reading (K-12) certification programs shall be prepared in reading endorsement competencies one (1) through five (5).
4. Content literacy and mathematical practices.
5. Strategies appropriate for the instruction of English language learners so that candidates are prepared to provide instruction in the English language to limited English proficient students to develop the student's mastery of the four (4) language skills of listening, speaking, reading, and writing.
   a. ITP candidates in prekindergarten-primary (age 3-Grade 3), elementary (K-6), middle grades English (5-9), English (6-12) and exceptional student education (K-12) certification programs shall have completed the requirements for teaching limited English proficient students in Florida public schools by meeting the requirements specified in Rule 6A-4.0244, F.A.C.,

Specialization Requirements for the Endorsement in English for Speakers of Other Languages.

b. ITP candidates in teacher preparation programs not included in sub-subparagraph (1)(ii)5.a. of this rule, shall have completed a college or university level 3-credit hour overview or survey course which addresses at an awareness level the areas specified in Rule 6A-4.02451, F.A.C., Performance Standards, Skills, and Competencies for the Endorsement in English for Speakers of Other Languages.

6. Strategies appropriate for the instruction of students with disabilities so that candidates are prepared to apply specialized instructional techniques, strategies, and materials for differentiating, accommodating, and modifying assessments, instruction, and materials for students with disabilities.

7. Strategies to differentiate instruction based on student needs to include methods for differentiating the content, process, learning environment, and product of lessons being taught for a diverse array of learners from a variety of backgrounds and with a wide range of abilities.

8. The use of character-based classroom management that includes methods for the creation of a positive learning environment to promote high expectations and student engagement in meaningful academic learning that enhances age-appropriate social and emotional growth.

(2) Standards for approval of teacher preparation programs.

(a) The following standards must be met for a provider to receive initial and continued approval of a teacher preparation program:

1. Institutional program providers must meet accreditation requirements per subsection (1) of Rule 6A-4.003, F.A.C.

2. Private, non-institutional EPI program providers must receive approval from the Commission For Independent Education, under Chapter 1005, or demonstrate that the program is exempt from the Commission's approval under Section 1005.06, F.S., to operate in the State of Florida to offer a degree, diploma or certificate program.

3. The program admits high-quality teacher candidates who meet state-mandated admission requirements and show potential for the teaching profession;

4. The program ensures that candidates and completers are prepared to instruct prekindergarten through grade 12 (p-12) students to meet high standards for academic achievement;

5. The program ensures high-quality field and clinical experiences, including feedback and support for each program candidate, and provides candidates with opportunities to demonstrate the ability to positively impact student learning growth; and,

6. The program supports continuous improvement that is sustained and evidence-based and that evaluates the effectiveness of its candidates and completers.

(3) Processes for initial approval of teacher preparation programs.

(a) At least thirty (30) days prior to an application submission, the president, chief executive officer, or superintendent of a provider who seeks initial approval to offer a teacher preparation program, shall notify the Florida Department of Education of its intent to submit an application for state-approval of a teacher preparation program.

(b) A provider shall submit an application by January 15, April 15, July 15, or October 15, using the Florida Department of Education Initial Program Approval Standards, Form IAS-2019.

(c) The Department shall conduct a review of the application submitted to the Department and notify the provider in writing of the following:

1. Receipt of the application.

2. Missing or deficient elements within thirty (30) days of receipt and provide a period of ten (10) business days for the provider to submit supplemental information or documentation to address the deficit(s).

3. Within ninety (90) days of receipt of a completed application, the approval or denial of each program.

a. An approval notice shall provide the program with an initial approval period of seven (7) years.

b. A denial notice shall identify the reason(s) for the denial and the deficiencies. A program that receives a denial may reapply for initial approval in accordance with this subsection.

(4) Reporting requirements for state-approved teacher preparation programs.

(a) State-approved teacher preparation programs shall report the following data to the Department:

1. Each provider shall annually submit program candidate and completer data to the Department's secure management information system.

2. All providers with a state-approved Educator Preparation Institute must annually report via the Department's eIPEP platform located at https://www.florida-eipep.org/, results of employer and candidate satisfaction surveys designed to measure the preparation of candidates for the realities of the classroom and the responsiveness of the program to local school districts.

3. All state-approved teacher preparation programs must annually report via the Department's eIPEP platform results of employer and completer satisfaction surveys measuring the preparation of completers for the realities of the classroom and the responsiveness of the program to local school districts.

4. All PDCP programs approved per Section 1012.56(8), F.S., must annually report via the Department's eIPEP platform located at https://www.florida-eipep.org/ program performance management data based on information provided by the program on the Florida Department of Education Initial Program Approval Standards Form IAS-2019.

(5) Requirements and processes for continued approval of teacher preparation programs.

(a) Continued approval entails requirements that are scored and requirements that are not scored. The requirements for continued approval that are not scored are as follows:

1. Except for programs in critical teacher shortage areas as defined in paragraph (1)(h), the program has at least one completer within the last three (3) years of the continued approval period.

2. Since initial approval, the provider has annually met the reporting requirements under subsection (4);

3. A provider has submitted the Florida Department of Education Continued Approval, Form CA-2019, during the last year of approval and at least sixty (60) days before a site visit; and,

4. Based upon the information provided on Continued Approval Form CA-2019, the provider demonstrates that it meets the following requirements:

a. The provider admits candidates that meet the state-mandated requirements;

b. A provider with a state-approved initial teacher preparation program or an educator preparation institute provides a certification ombudsman;

c. The provider only endorses program candidates as completers if the individual has demonstrated positive impact on student learning growth in their certification subject area and passed all portions of the Florida Teacher Certification Examinations;

d. A provider with an initial teacher preparation program monitors and remediates program completers who are

referred by the employing school district during the first two (2) years immediately following program completion (2-year guarantee);

e. The provider ensures that personnel who supervise, instruct, or direct candidates during field experience courses and internships meet the state-mandated qualifications;

f. The provider collects and uses multiple sources of data to monitor program progress and performance, including a formal system for continuous program improvement that includes stakeholders; and,

g. A provider with an educator preparation institute uses results of employer and candidate satisfaction surveys designed to measure the sufficient preparation of program completers and measuring the institution's responsiveness to local school districts, to drive programmatic improvement.

h. A provider with a state-approved initial teacher preparation program uses the results of employer and program completers' satisfaction surveys designed to measure the sufficient preparation of program completers and measuring the institution's responsiveness to local school districts, to drive programmatic improvement.

i. Any state-approved teacher preparation program approved per Section 1012.56(8), F.S., uses program performance management data to drive programmatic improvements based on information provided by the program on the Florida Department of Education Initial Program Approval Standards Form IAS-2019.

(b) The requirements for continued approval that are scored are the Annual Program Performance Report (APPR), Continued Approval Site Visit and Evidence of Programmatic Improvement.

(6) Annual Program Performance Report (APPR).

(a) The Department shall annually issue an Annual Program Performance Report (APPR) that includes program completer data based on the performance metrics specified in Sections 1004.04(4)(a)3., 1004.85(4)(b), and 1012.56(8)(d)2., F.S. Data shall be based on each of the program's completers who were employed as instructional personnel in a Florida public school district or as otherwise provided under subsection (1), of this rule. Performance metrics not applicable to a program shall not be rated.

(b) For purposes of the APPR only, world language (e.g., Arabic, Chinese, French, and Spanish); Middle Grades certification subject areas (e.g., Middle Grades Mathematics grades 5-9) and Secondary Level certification subject areas (e.g., Mathematics grades 6-12); and science programs (e.g., Biology and Physics) are considered single programs.

(c) Each performance metric appropriate for a program shall receive a performance level score ranging from one (1) to four (4) that is based on the performance level target points established as follows:

Performance Metrics	Level 4 Performance Target (4 points)	Level 3 Performance Target (3 points)	Level 2 Performance Target (2 points)	Level 1 Performance Target (1 point)
Placement Rate (not applicable for PDCP programs per Section 1012.56(8), F.S.)	Placement rate is at or above the 68th percentile of all equivalent programs across the state.	Placement rate is at or above the 34th percentile and below the 68th percentile of all equivalent programs across the state.	Placement rate is at or above the 5th percentile and below the 34th percentile of all equivalent programs across the state.	Placement rate is below the 5th percentile of all equivalent programs across the state.
Retention Rate	The average number of years employed in the 5-year period following initial placement is 4.5 years or more.	The average number of years employed in the 5-year period following initial placement is 3 years to less than 4.5 years.	The average number of years employed in the 5-year period following initial placement is 2 years to less than 3 years.	The average number of years employed in the 5-year period following initial placement is less than 2 years.
Performance of prekindergarten-12 students on statewide assessments using results of student learning growth formula per Section 1012.34, F.S.	The probability that the average student learning growth among students taught by program completers exceeds the expectations for those students is ≥ 95 percent.	The probability that the average student learning growth among students taught by program completers exceeds the expectations for those students is < 5 percent; AND the probability that the average student learning growth among students taught by program completers falls short of the expectations for those students expectations is < 5 percent.	Not calculated.	The probability that the average student learning growth among students taught by program completers falls short of the expectations for those students is ≥ 95 percent.
Student performance by subgroups data	At least 75 percent of the subgroups meet or exceed the state standard for performance.	At least 50 percent, but less than 75 percent of the subgroups meet or exceed the state standard for performance.	At least 25 percent but less than 50 percent of the subgroups meet or exceed the state standard for performance.	Fewer than 25 percent of the subgroups exceed the state standard for performance.
Results of program completers' annual	At least 30 percent of the program's completers	Program did not meet criteria for Level 4, but at	Program did not meet criteria for Level 3, but at	Program did not meet criteria for Level 2, 3,

evaluations as specified in Section 1012.34, F.S.	received a highly effective rating and 90 to 100 percent of the program's completers received either highly effective or effective ratings, and no completers were rated unsatisfactory.	least 80 percent of the program's completers received either highly effective or effective ratings, and no completers were rated unsatisfactory.	least 60 percent of the program's completers received a highly effective or effective rating and no more than 5 percent (more than one (1) for n < 20) of the program's completers were rated unsatisfactory.	or 4.
Production of program completers in statewide critical teacher shortage areas, per Rule 6A-20.0131, F.A.C., in accordance with Section 1012.07, F.S.; BONUS ONLY, pursuant to paragraph (1)(h) of this rule.	The critical teacher shortage program increased the number of program completers compared to the year before with a minimum of 2 completers in each year.			

(d) Each APPR shall include a summative rating score between 1.0 and 4.0 that is the average of all performance target level scores received by a program. If the program is eligible for the bonus performance metric of production of program completers in a statewide critical teacher shortage area, the summative rating score is weighted and calculated as follows: the average of all other performance target level scores computed for the program (which will consist of between two (2) and five (5) performance targets) multiplied by 0.8, plus the bonus score of four (4) points multiplied by 0.2, to yield the summative rating score. A program shall receive an APPR if it meets the minimum requirements as follows:

1. The program shall have three (3) or more completers in the selected cohort time period for the Placement performance metric or Retention performance metric; and,
2. The program shall have two (2) or more completers who received an annual evaluation for the Annual Evaluation performance metric.

(e) A program that does not receive an APPR shall receive a summative rating score of 1.0 for that year.

(f) The provider shall have thirty (30) business days from the date the Department transmitted the APPR data to review the data on its program completers and summative rating scores, and provide the Department with documentation supporting an error or omission. The Department shall review the documentation and notify the provider within fifteen (15) business days of receipt of the supporting documentation of any change to the APPR data and scores.

(7) Continued Approval Site Visit.

(a) Each approved program shall receive a site visit during the final year of the continued approval period. If a provider has state-approved ITP and EPI programs, one program of each type shall receive a site visit.

(b) Each approved program provider identified either as a low-performing program as defined in paragraph (1)(r) of this rule for two (2) consecutive years or as at-risk of low-performing for three (3) consecutive years as defined in paragraph (1)(d) of this rule shall receive a site visit using the Florida Site Visit Framework, Form FSVF-2018, create an evidence-based improvement plan and submit annual evidence via the eIPEP platform in order to maintain state approval.

(c) The provider's elementary education program shall be the program reviewed during the site visit in the event a provider offers the program. If an elementary education program is not offered by the provider, the provider's prekindergarten-primary education program will be reviewed during the site visit. If neither of these programs is offered, the provider's program with the largest enrollment will be reviewed during the site visit.

(d) At least two (2) months prior to the site visit, the provider shall submit a self-assessment report to the Department via the eIPEP platform located at https://www.florida-eipep.org/ that describes the program's strengths, areas for improvement and programmatic improvement efforts for the areas noted in paragraph (7)(d).

(e) During the site visit, using the Florida Site Visit Framework, Form FSVF-2018, the program will be reviewed and scored to determine the extent to which the program:

1. Ensures that candidates and completers are prepared to instruct prekindergarten through grade 12 (p-12) students to meet high standards for academic achievement. (Review Area 2 on Form FSVF-2018)
2. Ensures high-quality field and clinical experiences, including feedback and support for each program candidate, and provides candidates with opportunities to demonstrate the ability to positively impact student learning growth. (Review Area 3 on Form FSVF-2018)
3. Supports continuous improvement that is sustained and evidence-based and that evaluates the effectiveness of its candidates and completers. (Review Area 4 on Form FSVF-2018)

(f) Each of the three site visit review areas found in subparagraphs (7)(d)1., 2. and 3., shall be scored. A score of one (1) indicates the review area is inadequate, a score of two (2) indicates the area is weak, a score of three (3) indicates the area is good, a score of four (4) indicates the area is strong.

(g) Prior to issuance of a final site visit report by the Department, a preliminary site visit report shall be provided to the provider in order to afford the provider the opportunity to provide clarifying information.

(8) Evidence of Programmatic Improvement.

(a) Within thirty (30) business days of the provider's receipt of the final site visit report, the provider shall submit an improvement plan to the Department via the eIPEP platform located at https://www.florida-eipep.org/. The improvement plan must specify at least three (3) improvement goals strategies for achieving these goals and describe the evidence that will be used to measure progress towards these goals.

(b) By June 1 for providers with fall site visits, or December 1 for those with spring site visits, the provider shall provide to the Department a progress report that includes evidence measuring progress towards the goals identified in the improvement plan. The progress report shall be submitted via the eIPEP platform located at https://www.florida-eipep.org/.

(9) Continued Approval Summative Score and Ratings.

(a) The Department shall determine the Continued Approval Summative Score for all programs based on the following components:

1. APPR Average Summative Rating: The annual APPR summative rating scores are averaged across all of the provider's state-approved teacher preparation programs within the continued approval period; each rating score is then weighted by the total number of completers used in the annual calculation of the APPR summative rating. The APPR Average Summative Rating ranges between 1.0 and 4.0.
2. Continued Approval Site Visit Rating: The average of all scores issued for each review area as specified in paragraph (7)(d). The continued approval site visit rating ranges between 1.0 and 4.0.
3. Evidence of Programmatic Improvement Rating: A progress report that includes evidence of progress towards achieving the goals set by the provider in its improvement plan will receive a rating of four (4); lack of evidence of progress will yield a rating of one (1).

(b) In order to calculate the continued approval summative score, the weights for each component of the continued approval summative score are 50% for the APPR Average Summative Rating, 20% for the Continued Approval Site Visit Rating, and 30% for Evidence of Programmatic Improvement Rating. For example, if a program received the following four (4) scores in each of the components: APPR Average Summative Rating of 3.2, Continued Approval Site Visit Rating of 3, and Evidence of Programmatic Improvement Rating of 4, the continued approval summative score would be (.50 * 3.2)+(.20 * 3)+(.30 * 4) = 3.4.

(c) The continued approval summative score rating scale is as follows:

1. Full Approval with Distinction rating: the program has earned a continued approval summative score of above 3.5.
2. Full Approval rating: the program has earned a continued approval summative score of 2.4 to 3.5.
3. Denial of Approval rating: the program has earned a continued approval summative score that is below 2.4. A program that receives a denial of approval rating may reapply for initial approval as specified in subsection (3) of this rule.

(10) Professional Training Option for Content Majors.

(a) A postsecondary institution with an approved initial teacher preparation program (ITP) pursuant to subsection (3) of this rule, must obtain the approval of the Department in order to offer a Professional Training Option program for content majors attending its institution. An institution seeking approval shall submit its request in writing to the Department.

(b) Upon completion of the Professional Training Option, the individual shall have satisfied professional preparation course work as prescribed in subsection (2) of 6A-4.006, F.A.C., as well as:

1. Received training in the Educator Accomplished Practices;
2. Received training in reading endorsement competencies one (1) and two (2); and,
3. Completed integrated school-based observation/participation field experiences associated with all competencies covered in the Professional Training Option.

(c) To receive approval, the institution must provide evidence of a series of courses that accomplish the required training and field experiences listed in paragraph (10)(b) of this rule. Upon receiving approval, an institution will not be required to resubmit its Professional Training Option for re-approval unless the competencies in subparagraphs (10)(b)1.-2. of this rule, or the requirements in subsection 6A-4.006(2), F.A.C., are changed.

(d) In order to maintain approval, an institution must:

1. Report to the Department annually the number of participants enrolled in the program and the number of program completers;
2. Provide an endorsement of transcripts for each individual who completes the Professional Training Option; and,
3. Maintain compliance with the requirements pursuant to paragraph (10)(b) of this rule.

(11) Notwithstanding an applicant's deficiency in meeting the requirements for continued approval set forth in subsections (5) – (8) of this rule, the Commissioner is authorized to grant continued approval of a teacher preparation program where the applicant demonstrates that all statutory requirements are met; the failure to meet a requirement found in subsection (5) of this rule, is temporary or beyond the control of the applicant; and the Commissioner determines that the deficiency does not impair the ability of the provider to prepare effective instructional personnel.

(12) The following forms are hereby incorporated by reference and made a part of this rule. Copies may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(a) Florida Department of Education Initial Program Approval Standards, Form IAS-2019 (http://www.flrules.org/Gateway/reference.asp?No=Ref-11174) effective October 2019.

(b) Florida Department of Education Continued Approval, Form CA-2019 (http://www.flrules.org/Gateway/reference.asp?No=Ref-11175) effective October 2019.

(c) Florida Site Visit Framework, Form FSVF-2018, effective April 2018, (http://www.flrules.org/Gateway/reference.asp?No=Ref-09268).

Rulemaking Authority 1001.02, 1004.04, 1004.85, 1012.56 FS. Law Implemented 1004.04, 1004.85, 1012.56 FS. History–New 7-2-98, Amended 8-7-00, 3-19-06, 2-17-15, 1-1-18, 4-30-18, 10-24-19.

State Board Rule 6A-5.081 – Approval of School Leadership Programs

Effective April 30, 2018

This rule allows charter schools or school districts to develop administrator and leadership programs.

https://www.flrules.org/gateway/ruleNo.asp?id=6A-5.081

6A-5.081 Approval of School Leadership Programs.

This rule sets forth the requirements and implementation of the approval process for each type of school leadership program offered by a Florida postsecondary institution or public school district.

(1) Definitions. For the purposes of this rule, the following definitions apply.

(a) "Academic year" means the period of time during which program candidates attend or complete a state-approved school leader preparation program. This includes summer term, fall term and spring term, usually mid-May to mid-May of each calendar year.

(b) "Competencies and Skills Required for Certification in Educational Leadership in Florida" mean those practices described in Rule 6A-4.00821, F.A.C., which is incorporated herein by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-07637). A copy of Rule 6A-4.00821, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(c) "Competency-based" means that participants in school leader preparation programs must demonstrate the skill sets and knowledge bases outlined in the Florida Principal Leadership Standards.

(d) "Continued approval" means that subsequent to an initial approval, a school leadership program has been granted the authority to operate for a five-year period. The basis for continued approval is outlined in the documents entitled Florida Department of Education Continued Program Approval Standards for Educational Leadership (EL) Programs, Form EL CAS-2016; and Florida Department of Education Continued Program Approval Standards for School Principal (SP) Programs, Form SP CAS-2016.

(e) "eIPEP" or "electronic Institutional Program Evaluation Plan" means a Department-maintained web-based tool that serves as a data repository, data collection and reporting tool for both program performance data as well as a repository of continued approval goals and strategies for state-approved school leadership programs from Florida postsecondary institutions and school districts.

(f) "Field experiences" mean activities conducted in a variety of prekindergarten through grade 12 settings that are designed to give the aspiring instructional leader the ability to practice and demonstrate the core expectations of effective school administrators outlined in the Florida Principal Leadership Standards.

(g) "Florida Principal Leadership Standards" mean those practices described in subsection 6A-5.080(2), F.A.C., which is incorporated herein by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-07638). A copy of Rule 6A-5.080, F.A.C., may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(h) "Initial approval" means that a new school leadership program has been granted the authority to operate for a five-year period. The basis for initial approval is outlined in the documents entitled Florida Department of Education Initial Program Approval Standards for Educational Leadership (EL) Programs, Form EL IAS-2016; and Florida Department of Education Initial Program Approval Standards for School Leader (SP) Programs, Form SP IAS-2016.

(i) "Institutional Program Evaluation Plan" or "IPEP" means the annual plan developed by each approved educational leadership or school principal program to describe its review and analysis of program candidate and program completer data and how the results will impact continuous program improvements as part of its continued approval process.

(j) "Instructional expertise" means documented successful demonstration of the core standards for effective educators outlined in the Florida Educator Accomplished Practices (FEAPs) and a documented track record of achieving student gains. Acceptable documentation of instructional expertise must include a rating of "effective" or higher on the "Performance of Students" and "Instructional Practice" sections of the candidate's two most recent performance evaluations per Section 1012.34, F.S. For candidates who are not employed by a Florida public school district, a postsecondary institution or school district may accept alternative equivalent documentation demonstrating two years of effective instruction with a record of student learning gains.

(k) "Leadership potential" means the critical skills and dispositions that a candidate must demonstrate prior to entering the program. At a minimum, these qualifications must include an analysis of the candidate's relentless focus on improving student achievement in their own classrooms and contributing to the demonstrable improvement of teaching effectiveness in the classrooms of colleagues.

(l) "Partner" means to develop and maintain a collaborative professional relationship with agreed upon goals and outcomes. Partnerships must include evidence that the institution and a school district(s) work together to:

1. Determine program admission standards, and identify and select candidates,
2. Provide job-embedded field experiences for program candidates; and,
3. Identify strategies for continuous improvement of the program based upon a review of the performance of program candidates and the performance of program completers using aggregate data from performance evaluations.

(m) "Placement rate" means the number of program completers reported annually by each program to the Department who are identified by the Department's Staff Information System, as prescribed in Section 1008.385(2), F.S., as employed in a full-time or part-time school administrator position in a Florida public school district, including charter schools, within three years of program completion. If a program provides documentation of a

program completer's death or disability, the number of program completers included in the calculation will be adjusted.

(n) "Program admission standards" mean the minimum requirements an applicant must meet to be considered for entry into an educational leadership preparation program. The program admission standards for all programs must define (1) candidate grade point average (GPA) requirements, (2) candidate professional qualifications, to include minimum "instructional expertise" and "leadership potential" standards, and (3) candidate selection processes used to determine admission status.

(o) "Program candidate" means an individual who has been admitted into and is currently enrolled in, but has not yet completed an educational leadership or school principal program approved under this rule.

(p) "Program completer" means an individual who has satisfied all educational leadership or school principal program requirements approved under this rule.

(q) "School leadership positions" mean the administrative personnel positions that are defined in Section 1012.01(3)(c), F.S.

(2) Requirements and processes for initial request and approval of educational leadership programs and school principal programs.

(a) Requirements for approval of educational leadership programs:

1. Postsecondary institutional programs shall employ faculty who are qualified to teach courses required in the program. Faculty and staff who supervise field experiences shall document annual onsite participation in activities in prekindergarten through grade 12 school settings.
2. A postsecondary institutional program shall provide evidence of its partnership with at least one school district as approved under this rule.
3. A postsecondary institutional program may include a modified version of its approved program to individuals who hold a master's or higher degree, provided the instittution has a means to document that the completer of the modified program has met all program requirements.
4. Postsecondary institutional programs and school districts shall describe the qualifications used for admission and admit only candidates that demonstrate instructional expertise and leadership potential as approved under this rule.
5. Postsecondary institutional programs and school districts shall describe how competency-based training is aligned to the Florida Principal Leadership Standards.
6. Postsecondary institutional programs and school districts shall describe how training shall be aligned to the personnel evaluation criteria under Section 1012.34, F.S.
7. Postsecondary institutions and school districts shall only endorse as program completers candidates who demonstrate all of the Florida Principal Leadership Standards at the initial certification level and earn passing scores on all portions of the Florida Educational Leadership Examination required in Section 1012.56, F.S.
8. School districts shall offer its approved professional development program in educational leadership only to its employees who hold a master's degree from an accredited or approved institution as described in Rule 6A-4.003, F.A.C. Programs may provide for admission of candidates without this degree, provided that the district's program documentation includes a process of formally notifying such candidates that they are not eligible to complete the program without official documentation of the master's degree.

(b) Processes for submission of an educational leadership program for initial approval:

1. The president or chief executive officer of a Florida post-secondary institution or a public school district superintendent who seeks approval to offer an educational leadership program or school principal program, shall submit a written request which is further described in the documents, Florida Department of Education Request to Submit Form-Educational Leadership, Form RTS-EL 2016, and Florida Department of Education Request to Submit Form-School Principal, Form RTS-SP 2016 within 30 business days prior to January 15, April 15, July 15, and October 15. The Department will inform the institution or district superintendent in writing of the receipt of a fully completed request within five (5) business days.
2. Upon written verification by the Department of a fully completed request, the institution or district superintendent shall submit to the Department an electronic folio, which is further described in the documents, Florida Department of Education Initial Program Approval Standards for Educational Leadership, Form EL IAS-2016, and Florida Department of Education Initial Program Approval Standards for School Principal, Form SP IAS 2016 by January 15, April 15, July 15, and October 15.
3. The Department shall conduct a review of the electronic folio submitted in support of the request for initial approval within ninety (90) days of receipt of the portfolio. The Department shall notify the institution or school district in writing of the following:

a. Receipt of the electronic folio.

b. Missing or deficient elements and provide a period of ten (10) business days for the program to submit supplemental information or documentation to address the deficit(s).

c. Approval or denial of approval for each program included in the request. A denial of approval shall identify the reason(s) for the denial and the deficiencies. A program that receives a denial of approval may reapply for initial approval.

(c) Requirements for approval of school principal programs:

1. The school district shall only admit candidates who hold a valid Florida Educator's Certificate in the area of educational leadership, education administration, or administration and supervision pursuant to requirements of Rule 6A-4.0083, F.A.C., and who are employed in a public school within the district in a school leadership position through which the candidate can fully demonstrate the competencies associated with the Florida Principal Leadership Standards.
2. The school district shall only admit candidates who have earned a highly effective or effective evaluation rating under Section 1012.34, F.S.,
3. The school district shall describe how it provides individualized instruction using a customized learning plan for each candidate, and the competency-based training that is aligned to its school administrator evaluation criteria under Section 1012.34, F.S., and the William Cecil Golden Professional Development Program for School Leaders under Section 1012.986, F.S.
4. School districts shall ensure individuals who are designated as program completers have satisfactorily performed instructional leadership responsibilities as measured by the school district's school administrator evaluation system under Section 1012.34, F.S.

(3) Requirements and processes for continued approval of educational leadership programs and school principal programs.

(a) Reporting processes for continued approval are as follows:

1. Each institution or school district shall annually submit program candidate and completer data to the Department's secure management information system.
2. By November 15 of each year, each institution or school district shall submit via the Department's eIPEP platform located at https://www.florida-eipep.org/, a program evaluation plan in accordance with Florida Department of Education Continued Program Approval Standards, Form EL CAS-2015 for educational leadership programs; or Form SP CAS-2016 for school principal programs.
3. During the final year of the program approval period, the Department shall conduct a continued approval site visit that will include a review of each approved program. The purpose of the site visit shall be to review evidence of the program's implementation of the continued approval standards described in the document, Florida Department of Education Continued Program Approval Standards, Form EL CAS-2016 or Form SP CAS-2016. The site visit shall also include a review of the annual program evaluation plans described in subparagraph (3)(a)2. of this rule. At the end of the site visit, a summative rating score shall be calculated based on criteria outlined in the forms: Form EL CAS-2016 for educational leadership programs or Form SP CAS-2016 for school principal programs.
4. A program that has three (3) consecutive years within the continued approval period with no completers shall not receive a continued approval site visit, or a summative rating score.

(b) At the end of the continued approval period, the Department shall examine the summary findings with summative rating score from the site visit review. The Commissioner shall grant continued approval or denial of approval for each state-approved educational leadership or school principal program based on the continued approval summative rating scale and shall notify the institution or school district in writing of the decision. The continued approval summative rating scale is as follows:

1. Full Approval with Distinction rating: the program has earned "Acceptable" for all indicators of Standards 1, 2 and 3.
2. Full Approval rating: the program has earned "Acceptable" for each indicator of Standard 3, and indicators 1.2 and 1.3 of Standard 1, and no score of "Unacceptable" in any indicator of Standards 1 and 2.
3. Denial of Approval rating: the program has earned "Needs Improvement" for one or more indicators of Standard 3, or indicators 1.2 and 1.3 of Standard 1, or "Unacceptable" on any indicator of Standards 1, 2 and 3. A program that receives a denial of approval rating may reapply for initial approval as specified in subsection (2) of this rule.

(4) Pursuant to Section 1012.562(2)(c), F.S., a Level I program must guarantee the high quality of personnel who complete the program for the first two (2) years after program completion or the person's initial certification as a school leader, whichever occurs first. If a person who completed the program is evaluated in a school leadership position at less than highly effective or effective under Section 1012.34, F.S., and the person's employer requests additional training, the Level I program must provide additional training at no cost to the person or his or her employer.

(5) The following forms are hereby incorporated by reference and made a part of this rule. Copies may be obtained from the Florida Department of Education, 325 West Gaines Street, Room 124, Tallahassee, FL 32399-0400.

(a) Florida Department of Education Initial Program Approval Standards for Educational Leadership (EL) Programs, Form EL IAS-2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-07639), effective December 2016.

(b) Florida Department of Education Initial Program Approval Standards for School Principal (SP), Form SP IAS-2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-07640), effective December 2016.

(c) Florida Department of Education Continued Program Approval Standards for Educational Leadership (EL) Programs, Form EL CAS-2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-07641), December 2016.

(d) Florida Department of Education Continued Program Approval Standards for School Principal (SP), Form SP CAS-2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-07642), effective December 2016.

(e) Florida Department of Education Request to Submit Form-Educational Leadership, Form RTS-EL 2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-07643), effective December 2016.

(f) Florida Department of Education Request to Submit Form-School Principal, Form RTS-SP 2016 (http://www.flrules.org/Gateway/reference.asp?No=Ref-07644), effective December 2016.

State Board Rule 6A-6.03411 – Definitions, ESE Policies, Procedures, Administrators

Effective December 23, 2014

This rule lays out definitions and requirements regarding ESE procedures for students with disabilities.

https://www.flrules.org/gateway/ruleNo.asp?id=6A-6.03411

6A-6.03411 Definitions, ESE Policies and Procedures, and ESE Administrators.

(1) Definitions. As used in Rules 6A-6.03011-.0361, F.A.C., regarding the education of exceptional students, the following definitions apply:

(a) Accommodations. Accommodations are changes that are made in how the student accesses information and demonstrates performance.

(b) Assistive technology device. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of that device.

(c) Assistive technology service. Assistive technology service means any service that directly assists a student with a disability in the selection, acquisition, or use of an assistive technology device. The term includes:

1. The evaluation of the needs of a student with a disability, including a functional evaluation of the student in the student's customary environment;
2. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by students with disabilities;
3. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
4. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
5. Training or technical assistance for a student with a disability or, if appropriate, that student's family; and,
6. Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that student.

(d) Behavioral intervention plan (BIP). Behavioral intervention plan means a plan for a student which uses positive behavior interventions, supports and other strategies to address challenging behaviors and enables the student to learn socially appropriate and responsible behavior in school and/or educational settings.

(e) Charter school. Charter school means a school that is a public school created under Florida's charter school law, Section 1002.33, F.S.

(f) Child/student with a disability.

1. Student with a disability means a student, including a child aged three (3) through five (5), who has been evaluated in accordance with Rules 6A-6.03011 through 6A-6.0361, F.A.C., and determined to have a disability as defined under Rules 6A-6.03011-.03027, F.A.C., but does not include students who are gifted as defined under Rules 6A-6.03019-6.030191, F.A.C.; and,
2. Who, by reason thereof, needs special education and related services. If it is determined, through an appropriate evaluation, that a student has a disability but only needs a related service and not special education, the student is not a student with a disability under Rules 6A-6.03011-.0361, F.A.C. If, however, the related service required by the student is considered special education rather than a related service under Rules 6A-6.03011-.0361, F.A.C., the student would be a student with a disability under this subsection.

(g) Consent. Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and,
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(h) Day; business day; school day. Day means calendar day unless otherwise indicated as business day or school day. Business day means Monday through Friday, except for Federal and State holidays (unless holidays are specifically included in the designation of business day). School day means any day, including a partial day, that students are in attendance at school for instructional purposes. School day has the same meaning for all students in school, including students with and without disabilities.

(i) Early intervention. Early intervention means developmental services that are designed to meet the developmental needs of an infant or toddler with a disability in any one (1) or more of the following areas:

1. Physical development;
2. Cognitive development;
3. Communication development;
4. Social or emotional development; or
5. Adaptive development.

(j) Educational plan (EP). EP is a plan that is developed for students identified solely as gifted and is developed pursuant to Rule 6A-6.030191, F.A.C.

(k) Elementary school. Elementary school means a nonprofit institutional day or residential school, including a public

elementary charter school, that provides elementary education as determined under Florida law.

(l) Evaluation. Evaluation means procedures used in accordance with Rules 6A-6.03011-.0361, F.A.C., to determine whether a student has a disability or is gifted and the nature and extent of the ESE that the student needs.

(m) Exceptional student. Exceptional student means any student who has been determined eligible for a special program in accordance with these rules. The term includes students who are gifted and students with disabilities as defined in these rules.

(n) Exceptional student education (ESE). ESE means specially designed instruction and related services that are provided to meet the unique needs of exceptional students who meet the eligibility criteria described in Rules 6A-6.03011-.0361, F.A.C.

(o) Extended school year services. Extended school year services means special education and related services that are provided to a student with a disability beyond the normal school year of the school district; in accordance with the student's IEP; at no cost to the parents of the student; and meet the standards of the Florida Department of Education.

(p) Free appropriate public education (FAPE). FAPE means special education or specially designed instruction and related services for students ages three (3) through twenty-one (21) and for students who are gifted and in kindergarten through grade twelve that:

1. Are provided at public expense, under public supervision and direction, and without charge to the parent;
2. Meet the standards of the Florida Department of Education, including the requirements of Rules 6A-6.03011-.0361, F.A.C.;
3. Include an appropriate preschool, elementary school, or secondary school education in the State; and,
4. Are provided in conformity with an individual educational plan (IEP) that meets the requirements of Rule 6A-6.03028, F.A.C., an educational plan (EP) for students who are gifted that meet the requirements of Rule 6A-6.030191, F.A.C., or an individual family support plan (IFSP) (if used as an IEP) for children ages three (3) through (5) in accordance with Rule 6A-6.03029, F.A.C.

(q) Functional behavioral assessment (FBA). A FBA is a systematic process for defining a student's specific behavior and determining the reason why (function or purpose) the behavior is occurring. The FBA process includes examination of the contextual variables (antecedents and consequences) of the behavior, environmental components, and other information related to the behavior. The purpose of conducting an FBA is to determine whether a behavioral intervention plan should be developed.

(r) General curriculum. The general curriculum is a curriculum or course of study that is available to all students and is based upon state educational standards that address the state and school district requirements for a standard diploma.

(s) Homeless student or youth. Homeless student or youth means an individual who lacks a fixed, regular, and adequate nighttime residence and includes:

1. Students and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. Students and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Students and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and,
4. Migratory students who qualify as homeless for the purposes of Rules 6A-6.03011-.0361, F.A.C., because they are living in circumstances described in paragraphs (a) through (c) of this subsection.

(t) Include/including. Include or including means that the items named are not all of the possible items that are covered, whether like or unlike the ones named.

(u) Individual educational plan (IEP). IEP means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with Rules 6A-6.03011-.0361, F.A.C.

(v) Individual educational plan (IEP) team. IEP team means a group of individuals as described in Rules 6A-6.03011-.0361, F.A.C., that is responsible for developing, reviewing, or revising an IEP for a student with a disability.

(w) Individualized family support plan (IFSP). IFSP is a written plan identifying the specific concerns and priorities of a family related to enhancing their child's development and the resources to provide early intervention services to an infant or toddler with a disability.

(x) Infant or toddler with a disability. Infant or toddler with a disability means a child under three (3) years of age who needs early intervention services because the child is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

(y) Limited English proficient. Limited English proficient, when used in reference to an individual, means an individual who was not born in the United States and whose native language is a language other than English; an individual who comes from a home environment where a language other than English is spoken in the home; or an individual who is an American Indian or Alaskan native and who comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency; and who, by reason thereof, has sufficient difficulty speaking, reading, writing, or listening to the English language that would deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English.

(z) Modifications. Modifications are changes in what a student is expected to learn and may include changes to content, requirements, and expected level of mastery.

(aa) Native language. Native language, when used with respect to an individual who is limited English proficient, means the language normally used by that individual, or, in the case of a student, the language normally used by the parents of the student, and in all direct contact with a student (including evaluation of the student), the language normally used by the student in the home or learning environment. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

(bb) Parent.

1. Parent means:
   a. A biological or adoptive parent of a student;
   b. A foster parent;
   c. A guardian generally authorized to act as the student's parent, or authorized to make educational decisions for the

student (but not the state if the student is a ward of the State);

d. An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the student lives, or an individual who is legally responsible for the student's welfare; or

e. A surrogate parent who has been appointed in accordance with Rules 6A-6.03011-.0361, F.A.C.

2. The biological or adoptive parent, when attempting to act as the parent under this section and when more than one (1) party is qualified under paragraph (a) of this subsection to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the student. However, if a judicial decree or order identifies a specific person or persons under sub-subparagraphs (bb)1.a. through 1.d. of this subsection to act as the "parent" of a student or to make educational decisions on behalf of a student, then such person or persons shall be determined to be the "parent" for purposes of this subsection.

(cc) Personally identifiable. Personally identifiable means information that contains:

1. The name of the student, the student's parent, or other family member;
2. The address of the student;
3. A personal identifier, such as the student's social security number or student number; or
4. A list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.

(dd) Related services.

1. General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education, and includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in students, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training.

2. Exception; services that apply to students with surgically implanted devices, including cochlear implants. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance of that device, or the replacement of that device. However, nothing in this section limits the right of a student with a surgically implanted device (e.g., cochlear implant) to receive related services (as listed in paragraph (a) of this subsection) that are determined by the IEP Team to be necessary for the student to receive FAPE; limits the responsibility of a school district to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or prevents the routine checking of an external component of a surgically-implanted device to make sure it is functioning properly.

3. Individual related services terms defined. The terms used in this definition are defined as follows:

a. Audiology includes identification of students with hearing loss; determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing; provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation; creation and administration of programs for prevention of hearing loss; counseling and guidance of students, parents, and teachers regarding hearing loss; and determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

b. Counseling services means services provided by qualified social workers, psychologists, certified school counselors, or other qualified personnel.

c. Early identification and assessment of disabilities in students means the implementation of a formal plan for identifying a disability as early as possible in a student's life.

d. Interpreting services include the following, when used with respect to students who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, such as communication access real-time translation (CART), C-Print, and TypeWell; and special interpreting services for students who are deaf-blind.

e. Medical services means services provided by a licensed physician to determine a student's medically related disability that results in the student's need for special education and related services.

f. Occupational therapy means services provided by a licensed occupational therapist or a licensed occupational therapy assistant pursuant to the provisions of Chapter 468, F.S., that include improving, developing or restoring functions impaired or lost through illness, injury, or deprivation; improving ability to perform tasks for independent functioning if functions are impaired or lost; and preventing, through early intervention, initial or further impairment or loss of function.

g. Orientation and mobility services means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community and includes teaching students the following, as appropriate:

(I) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);

(II) To use the long cane or a service animal to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;

(III) To understand and use remaining vision and distance low vision aids; and,

(IV) Other concepts, techniques, and tools.

h. Parent counseling and training means assisting parents in understanding the special needs of their student; providing parents with information about child development; and

helping parents to acquire the necessary skills that will allow them to support the implementation of their student's IEP or IFSP.

i. Physical therapy means services provided by a qualified physical therapist. Physical therapy must be provided in accordance with Chapter 486, F.S.

j. Psychological services includes administering psychological and educational tests, and other assessment procedures; interpreting assessment results; obtaining, integrating, and interpreting information about student behavior and conditions relating to learning; consulting with other staff members in planning school programs to meet the special educational needs of students as indicated by psychological tests, interviews, direct observation, and behavioral evaluations; planning and managing a program of psychological services, including psychological counseling for students and parents; and assisting in developing positive behavioral intervention strategies.

k. Recreation includes assessment of leisure function; therapeutic recreation services; recreation programs in schools and community agencies; and leisure education.

l. Rehabilitation counseling services means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with a disability by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended, 29 U.S.C. 701 et seq.

m. School health services and school nurse services means health services that are designed to enable a student with a disability to receive FAPE as described in the student's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

n. Social work services in schools includes preparing a social or developmental history on a student with a disability; group and individual counseling with the student and family; working in partnership with parents and others on those problems in a student's living situation (home, school and community) that affect the student's adjustment in school; mobilizing school and community resources to enable the student to learn as effectively as possible in his or her educational program; and assisting in developing positive behavioral intervention strategies.

o. Speech-language pathology services includes identification of students with speech or language impairments; diagnosis and appraisal of specific speech or language impairments; referral for medical or other professional attention necessary for the habilitation of speech or language impairments; provision of speech and language services for the habilitation or prevention of communicative impairments; and counseling and guidance of parents, students, and teachers regarding speech and language impairments.

p. Transportation includes travel to and from school and between schools; travel in and around school buildings; and specialized equipment (such as special or adapted buses, lifts and ramps), if required to provide special transportation for a student with a disability.

(ee) School district/local education agency. As used in Rules 6A-6.03011-.0361, F.A.C., school district means a public board of education or other public authority legally constituted within the State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, or for a combination of school districts or counties as are recognized in the State as an administrative agency for its public elementary schools or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(ff) Scientifically based research. Scientifically based research means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs, and includes research that:

1. Employs systematic, empirical methods that draw on observation or experiment;
2. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
4. Is evaluated using experimental or quasi-experimental designs;
5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication; and,
6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

(gg) Secondary school. Secondary school means a nonprofit institutional day or residential school, including a public charter school that provides secondary education, as determined under Florida law, except that it does not include any education beyond grade twelve (12).

(hh) Services plan. Services plan means a written statement that has been developed and implemented in accordance with Rule 6A-6.030281, F.A.C., describes the special education and related services that a school district will provide to a parentally-placed student with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary.

(ii) Secretary. Secretary means the U.S. Secretary of Education.

(jj) Specially designed instruction. Specially designed instruction means adapting, as appropriate to the needs of an eligible exceptional student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability or giftedness and to ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the school district that apply to all students.

(kk) Special education for students with disabilities.

1. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability, including:
   a. Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and,
   b. Instruction in physical education.

2. Special education includes each of the following, if the services otherwise meet the requirements of paragraph (a) of this subsection:
a. Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
b. Travel training; and,
c. Career and technical education.
3. Individual special education terms defined. The terms in this definition are defined as follows:
a. At no cost means that all specially designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.
b. Physical education means the development of physical and motor fitness; fundamental motor skills and patterns; and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports). The term also includes special physical education, adapted physical education, movement education, and motor development.
c. Travel training means providing instruction, as appropriate, to students with significant cognitive disabilities, and any other students with disabilities who require this instruction, to enable them to develop an awareness of the environment in which they live and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).
d. Career and technical education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.

(ll) State educational agency (SEA). SEA means the Florida Department of Education.

(mm) Supplementary aids and services. Supplementary aids and services means aids, services, and other supports that are provided in regular education classes, or other education-related settings, and in extracurricular and nonacademic settings, to enable students with disabilities to be educated with nondisabled students to the maximum extent appropriate in accordance with Rules 6A-6.03011-.0361, F.A.C.

(nn) Transition services. Transition services means a coordinated set of activities for a student with a disability that:
1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including postsecondary education, career and technical education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and,
2. Is based on the individual student's needs, taking into account the student's strengths, preferences and interests; and,
3. Includes:
a. Instruction;
b. Related services;
c. Community experiences;
d. The development of employment and other post-school adult living objectives; and,
e. If appropriate, acquisition of daily living skills and the provision of a functional vocational evaluation; and,
4. Transition services for students with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a student with a disability to benefit from special education.

(oo) Ward of the State. Ward of the State means a student who is a foster child, a ward of the State or in the custody of a public child welfare agency. However, ward of the State does not include a foster child who has a foster parent who meets the definition of a parent in this rule.

(2) ESE Policies and Procedures Document. For a school district to be eligible to receive state or federal funding for special education and related services for exceptional students, it shall: develop a written statement of policies and procedures for providing appropriate ESE in accordance with and as required by Rules 6A-6.03011-.0361, F.A.C., and as required by Section 1003.57(1)(b), F.S.; submit its written statement to the Bureau of Exceptional Education and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400; and report the total number of exceptional students in the manner prescribed by the Department. Applicable state statutes, State Board of Education rules, and federal laws and regulations relating to the provision of ESE to exceptional students shall serve as criteria for the review and approval of the procedures documents. This procedures document is intended to provide district and school-based personnel, parents of exceptional students, and other interested persons information regarding the implementation of the State's and school district's policies regarding ESE programs. The procedures document shall be submitted in accordance with timelines required by the Department.

(3) ESE Administrator.
(a) Each school district shall designate a staff member to serve as administrator of exceptional student education who shall be responsible for the following:
1. Coordinating all school district services for exceptional students;
2. Ensuring that parents have been appropriately informed of their student's eligibility determination and their procedural safeguards in accordance with Rules 6A-6.03011-.0361, F.A.C.
3. Informing, in writing, all appropriate school personnel, including the principal, of the student's eligibility for special education and related services; and,
4. Ensuring the implementation of services to exceptional students.

(b) The ESE Administrator is authorized to delegate the responsibilities of this rule.

State Board Rule 6A-6.20020 - Charter School Capital Outlay

Effective September 21, 2021

This rule discusses how charter schools receive Capital Outlay funding.

https://www.flrules.org/gateway/RuleNo.asp?title=EDUCATIONAL%20FACILITIES&ID=6A-2.0020

6A-2.0020 Eligibility for Charter School Capital Outlay.

The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, F.S. Except as expressly provided herein, proof of eligibility requirements must be provided to the Department by July 1 of the fiscal year for which the charter school seeks funding. The continuation of funding is dependent upon maintaining eligibility requirements during the fiscal year.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, F.S., if it either sends or receives at a majority of its students directly to or from a charter school that is currently receiving capital outlay funding in the same fiscal year for which the charter school seeks funding. A charter school must submit an application by the deadline in paragraph (7)(a) of this rule. The Department shall determine eligibility by applying the feeder chain criteria in Section 1013.62(1)(a)1.c., F.S., to the fiscal year's data from the October full-time equivalent (FTE) student enrollment survey conducted pursuant to Section 1011.62(1)(a), F.S., in the same fiscal year for which the charter school seeks funding. The Department shall calculate the funding amount associated with a school for which enrollment projections are estimated to meet the feeder chain eligibility criteria and shall distribute funds generated by the formula in Section 1013.62, F.S., upon proof of an expanded feeder chain from the October FTE student enrollment survey data.

(2) Pursuant to Section 1013.62(1)(a)1.d., F.S., charter schools that have been accredited by a regional accrediting association as defined by Rule 6A-4.003, F.A.C., may be eligible for charter school capital outlay. Proof of accreditation by a regional accrediting association must be delivered to the Department by the deadline established in paragraph (7)(a), for the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.d., F.S. The continuation of funding is dependent upon maintaining accreditation during the current fiscal year. A charter school anticipating accreditation during a fiscal year shall include documentation of application for accreditation. The Department shall estimate the funding amount associated with a charter school anticipating accreditation during the fiscal year and distribute funds generated by the formula in Section 1013.62, F.S., upon proof of final accreditation, if proof of accreditation for the school year is received by the Department by December 1 of the fiscal year for which the charter school seeks funding. If the Department does not receive proof of a charter school's official accreditation by December 1, the charter school shall be determined ineligible for that fiscal year.

(3) A charter school must have been in operation for two (2) or more full school years by July 1 of the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.a., F.S.

(4) Satisfactory student achievement under Section 1013.62(1)(a)3., F.S., shall be determined by the school's most recent grade designation or school improvement rating from the state accountability system as defined in Sections 1008.34 and 1008.341, F.S. Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one school year, shall be based on the student performance metrics in the charter school's charter agreement. Allocations shall not be distributed until such time as school grade designations are known.

(a) A charter school that receives a grade designation of "F" or two (2) consecutive grades lower than a "C" shall not be eligible for capital outlay funding.

(b) A charter school that receives a school improvement rating of "Unsatisfactory" shall not be eligible for capital outlay funding.

(5) Eligibility for the additional school weight for free or reduced price lunch and the additional school weight for students with disabilities under Section 1013.62(1)(c)1., F.S., shall be determined by the students' status as reported in the fiscal year's October FTE student enrollment survey for the fiscal year in which funding is sought. The number of students eligible for free or reduced lunch for a school that provides free breakfast and lunch to all students under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010 shall be calculated by applying the multiplier authorized in Section 11(a)(1)(F)(vii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) to the number of students reported to the Department as eligible for free meals based upon the Direct Certification determination. For schools that do not participate under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the number of students eligible for free or reduced price lunch shall be the number of students reported to the Department as eligible.

(6) A charter school whose most recent available audit, pursuant to Section 218.39, F.S., reveals any of the financial emergency conditions provided in Section 218.503(1), F.S., is not eligible to receive charter school capital outlay.

(a) Upon notification pursuant to Section 1002.345, F.S., that a charter school's audit reveals one or more of the financial emergency conditions in Section 218.503(1), F.S., the Department shall immediately discontinue distributions of charter school capital outlay funding for the school.

(b) A charter school shall remain ineligible to receive charter school capital outlay until the school produces an annual financial audit conducted pursuant to Section 218.39, F.S., which does not reveal any of the financial emergency conditions in Section 218.503(1), F.S., at which time capital outlay funding shall be calculated in an amount proportionate to the number of months remaining in the fiscal year.

(7) Pursuant to Section 1013.62(5), F.S., the procedures for submitting and approving an application for funding and the procedures for documenting expenditures, are as follows:

(a) Charter schools must submit an application using form IEPC-CO1, Charter School Capital Outlay Application, effective September 2021 (http://www.flrules.org/Gateway/reference.asp?No=Ref-13498), which is hereby incorporated by reference in the rule, which may be accessed through https://www.floridaschoolchoice.org/login/login_charter_school.asp. The application may be obtained by contacting the Office of

Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. The Department will accept hard copy versions of the application. Hard copies should be sent to 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399. Applications are due by July 1 of the fiscal year for which funding is sought. The Department may extend the deadline for all applications by posting the extended deadline on its website. The charter school shall include the purpose for which the funds will be expended. The Department shall review the application, determine eligibility, and direct the allocation and distribution of such funds in accordance with that determination.

(b) The Sponsor shall forward state appropriated capital outlay funds pursuant to the provisions of Section 1002.33(17)(e), F.S., to any charter school that is determined to be eligible by the Department under this rule. The Sponsor shall distribute discretionary millage authorized in Section 1011.71(2), F.S., according to the provisions in Section 1013.62, F.S. The charter school shall include all revenues and expenditures pursuant to Section 1013.62, F.S., in its monthly or quarterly financial statements pursuant to Section 1002.33(9)(g), F.S., and shall maintain all documentation of such expenditures and provide such documentation to the Sponsor upon request as necessary to monitor compliance with applicable law governing the proper use of such funds.

(c) If overpayments occur, the Department of Education will take any or all of the following actions: require a charter school to return the overpaid amount; adjust a school's allocations in future years; or seek to collect the overpayment in any manner authorized by law.

Rulemaking Authority 1001.02, 1013.62 FS. Law Implemented 1013.62 FS. History–New 12-15-09, Amended 8-13-17, 8-21-18, 9-21-21.

Other Important Administrative Rules

Administration Commission Rule 28-109 – Conducting Proceedings by Communications Media Technology

Effective January 15, 2007

Lays out the rules regarding holding meetings electronically and the requirements therein. Florida Statute 1002.33 indicates that "members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission".

https://www.flrules.org/gateway/ChapterHome.asp?Chapter=28-109

28-109.001 Purpose.
This chapter provides the procedures to be followed when an agency desires to conduct a proceeding by means of communications media technology (CMT) or to provide public access to a proceeding by the use of CMT.

28-109.002 Definitions as Used in this Rule Chapter.
(1) "Access point" means a designated place where a person interested in attending a communications media technology proceeding may go for the purpose of attending the proceeding.
(2) "Attend" means having access to the communications media technology network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues being considered at a proceeding.
(3) "Communications media technology" (CMT) means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.

28-109.003 Application and Construction.
(1) The agency may conduct a proceeding by using CMT and may provide CMT access to a proceeding for purposes of taking evidence, testimony, or argument.
(2) A proceeding is not a CMT proceeding merely because it is broadcast over a communications network.

28-109.004 Government in the Sunshine.
(1) Nothing in this chapter shall be construed to permit the agency to conduct any proceeding otherwise subject to the provisions of Section 286.011, F.S., exclusively by means of CMT without making provision for the attendance of any member of the public who desires to attend.
(2) No proceeding otherwise subject to Section 286.011, F.S., shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to attend. If during the course of a CMT proceeding technical problems develop with the communications network that prevent interested persons from attending, the agency shall terminate the proceeding until the problems have been corrected.

28-109.005 Notice.
When the agency chooses to conduct a CMT proceeding, it shall provide notice in the same manner as required for a non-CMT proceeding, and shall plainly state that such proceeding is to be conducted utilizing CMT and identify the specific type of CMT to be used. The notice shall describe how interested persons may attend and shall include:
(1) The address or addresses of all access points, specifically designating those which are in locations normally open to the public.
(2) The address of each access point where an interested person may go for the purpose of attending the proceeding.
(3) An address, e-mail address, and telephone number where an interested person may write or call for additional information.
(4) An address, e-mail address, and designated person to whom a person may submit written or other physical evidence which he or she intends to offer into evidence during the CMT proceedings.

28-109.006 Evidence, Testimony, and Argument.
(1) Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if it were offered in person, and shall be subject to the same objections.
(2) In situations where sworn testimony is required by the agency, persons offering such testimony shall be responsible for making appropriate arrangements for offering sworn testimony.

Division of State Fire Marshall Rule 69A-58.0041 – Charter Schools

Effective November 4, 2012

Explicity lays out that inspections for charter schools are according to 1013.12(2)(c)

https://www.flrules.org/gateway/ruleNo.asp?id=69A-58.0041

69A-58.0041 Charter Schools.

(1) All authorized charter schools located on property that is owned or leased by a school district or a public college shall be inspected in accordance with section 1013.12(2)(c), F.S., and the provisions of this rule chapter.

(2) All other authorized charter schools shall be inspected by the local fire official providing emergency services to the charter school in accordance with section 1013.12(5)(b), F.S., and the provisions of this rule chapter.

(3) Inspections of charter schools shall be certified to the division using the same procedure as all other public schools and colleges in accordance with subsection 69A-58.004(6), F.A.C.

Rulemaking Authority 633.104(1), (7), 1013.12(1) FS. Law Implemented 663