

## CHAPTER 2022-144

### Committee Substitute for Committee Substitute for Senate Bill No. 758

An act relating to education; amending s. 1001.4205, F.S.; authorizing members of the Legislature to visit any public school in the legislative district of the member; providing requirements for such visits; creating s. 1002.3301, F.S.; creating the Charter School Review Commission within the Department of Education, subject to appropriation; providing the purpose of the commission; specifying membership of the commission and the duration of members' terms; requiring the State Board of Education to appoint members, subject to confirmation by the Senate; providing that a majority of the commission members constitutes a quorum; providing that the commission has the same powers and duties relating to reviewing and approving charter schools as a sponsor; requiring the department to contract with a college or university to provide administrative and technical assistance to the commission; designating the district school board in which a proposed charter school will be located as the new charter school's sponsor and supervisor; requiring a district school board to take specified actions within a certain timeframe after the commission grants a charter school application; requiring a charter school applicant to provide the school district in which the proposed charter school will be located with a copy of the application within a specified timeframe; authorizing the school district to provide input to the commission within a specified timeframe; requiring the commission to consider such input; authorizing the appeal of commission decisions; requiring the State Board of Education to adopt rules; amending s. 1002.33, F.S.; providing legislative intent; authorizing the commission to solicit and review certain charter school applications; requiring the district school board that oversees the school district in which a charter school approved by the commission will be located to serve as the charter school's sponsor; prohibiting sponsors from imposing additional reporting requirements unless a charter school meets specified criteria; providing that certain interlocal agreements and ordinances are void and unenforceable; authorizing charter schools to use school district interlocal agreements; revising the terms and conditions for charter renewal; revising the procedure and causes for nonrenewal or termination of a charter; authorizing members of certain committees of a charter school governing board to attend specified meetings in person or through the use of communications media technology; authorizing charter schools to use certain interlocal agreements; prohibiting a charter school from being subject to certain land use regulations if such regulations would not be required for certain public schools; providing that specified facilities may provide space to charter schools under existing zoning and land use designations without obtaining a special exception, rezoning, or a land use change; requiring a specified proportionate share of certain educational impact fees to be designated for the construction of certain charter school facilities; providing credits toward certain impact fees or

exactions for certain entities; providing that a sponsor may not charge or withhold administrative fees for certain allocations; creating s. 1004.88, F.S.; establishing the Florida Institute for Charter Schools Innovation at Miami Dade College, subject to appropriation; providing the purpose of the institute; specifying the duties of the institute; authorizing the institute to apply for and receive certain grants; requiring the District Board of Trustees of Miami Dade College to establish policies regarding the institute; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of charter school capital outlay funds and certain federal funds and submit a report to the Governor and Legislature by a specified date; amending s. 1011.62, F.S.; providing that a district school board must provide a specified amount of funding to charter schools within the district if the teacher salary increase allocation is delayed for specified reasons; providing an effective date.

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

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

1001.4205 Individuals authorized to visit schools ~~Visitation of schools by an individual school board or charter school governing board member.~~—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual charter school governing board member may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board. A member of the Legislature may visit any public school in the legislative district of the member. An individual visiting a school pursuant to this section ~~The board member~~ must sign in and sign out at the school's main office and wear his or her ~~board~~ identification badge at all times while present on school premises. The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board member, may not require ~~an individual visiting the school pursuant to this section~~ the visiting board member to provide notice before visiting the school. The school may offer, but may not require, an escort to accompany an individual visiting the school pursuant to this section ~~a visiting board member~~ during the visit. Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct an individual visiting the school pursuant to this section ~~a visiting board member~~ to leave the premises. A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to an individual ~~a board member~~ under this section.

Section 2. Section 1002.3301, Florida Statutes, is created to read:

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

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

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

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

(4) The district school board of the school district in which the proposed charter school will be located shall be the sponsor of and supervisor for the new charter school and shall provide an initial proposed charter contract to the charter school pursuant to s. 1002.33(7)(b) within 30 calendar days after the commission’s decision granting an application.

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

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

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

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

1002.33 Charter schools.—

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

(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 this 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.

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

(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.

d. The Charter School Review Commission, as authorized under s. 1002.3301, may solicit and review applications for charter schools overseen by district school boards and, upon the commission approving an application, the district school board that oversees the school district in which the charter school will be located shall serve as sponsor.

(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 ~~may 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 ~~is~~ 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 ~~is~~ 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 ~~do~~ shall not constitute the basis for a private cause of action.

j. The sponsor may shall not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345 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 or ordinance that imposes a greater regulatory burden on charter schools than school districts or that 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. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

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.

(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.

(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) ~~have has been expressly found. The charter of a charter school that meets these requirements and has received a school grade lower than a "B" pursuant to s. 1008.34 in the most recently graded school year must be renewed for no less than a 5-year term except as provided in paragraph (9)(n) 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. ~~must shall~~ be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in the most recently graded school year 3 of the past 4 years and that 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).

#### (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 only if the sponsor expressly 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 due to deteriorating financial conditions or financial emergencies determined pursuant to s. 1002.345.

3. Material violation of law.

4. ~~Other good cause shown.~~

#### (9) CHARTER SCHOOL REQUIREMENTS.—



(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 or any member of a committee formed or designated by 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).

(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, including such provisions that are established by interlocal agreement. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools. A charter school may not be subject to any land use regulation requiring a change to a local government comprehensive plan or requiring a development order or development permit, as those terms are defined in s. 163.3164, that would not be required for a public school in the same location. 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.

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

(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., a proportionate share of costs per student station ~~some of or all of the~~ educational impact fees required to be paid in connection with the new residential dwelling units must ~~may~~ be designated ~~instead~~ for the construction of the charter school facilities that will mitigate the student station impact, including charter school facilities described in subparagraph (10)(e)7. 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. Any entity contributing toward the construction of such facilities shall receive a credit toward any impact fees or exactions imposed for public educational facilities to the extent that the entity has not received a credit for such contribution pursuant to s. 163.3180(6)(h)2.

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

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).

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

1004.88 Florida Institute for Charter School Innovation.—

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

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

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

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

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

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

(e) Collaborate with the Department of Education in developing the sponsor evaluation framework under s. 1002.33(5)(c).

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

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

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

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

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

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

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

(b) An analysis of the calculation methodology to determine the amount of revenue that a school district must distribute to a charter school under s. 1013.62(3), Florida Statutes.

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

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

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

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

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

(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). If a district school board has not received its allocation due to its failure to submit an approved district salary distribution plan, the district school board must still provide each charter school that has submitted a salary distribution plan within its district its proportionate share of the allocation.

(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 and, ~~along with~~ the approved salary distribution plan for each charter school in the district, to the department by October 1 of each fiscal year.

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

Approved by the Governor May 26, 2022.

Filed in Office Secretary of State May 26, 2022.