

HB 1437

2026

A bill to be entitled  
An act relating to charter schools; amending s. 1002.33, F.S.; providing the delay of certain payments to charter schools; revising the facilities that are exempt from specified assessments of fees; revising the maintenance funds that remain with a conversion school; revising the criteria for a charter school system to be considered a local educational agency; providing an exception to landlords serving on charter school governing boards; amending s. 1013.62, F.S.; revising charter school eligibility and ineligibility criteria to receive charter school capital outlay funding; revising the calculation methodology for determining a charter school's share of specified revenue; revising the authorized uses of charter school capital outlay funding; providing an effective date.

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

Section 1. Paragraphs (b) and (e) of subsection (17), paragraphs (d) and (e) of subsection (18), paragraph (a) of subsection (25), and paragraph (d) of subsection (26) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

26        (17) FUNDING.—Students enrolled in a charter school,  
27 regardless of the sponsorship, shall be funded based upon the  
28 applicable program pursuant to s. 1011.62(1)(c), the same as  
29 students enrolled in other public schools in a school district.  
30 Funding for a charter lab school shall be as provided in s.  
31 1002.32.

32        (b)1. Funding for students enrolled in a charter school  
33 sponsored by a school district shall be the sum of the school  
34 district's operating funds from the Florida Education Finance  
35 Program as defined in s. 1011.61(4) and the General  
36 Appropriations Act, including gross state and local funds, and  
37 funds from the school district's current operating discretionary  
38 millage levy authorized under s. 1011.71(1) and (9); divided by  
39 total funded weighted full-time equivalent students in the  
40 school district; and multiplied by the weighted full-time  
41 equivalent students for the charter school. Charter schools  
42 whose students or programs meet the eligibility criteria in law  
43 are entitled to their proportionate share of categorical program  
44 funds included in the total funds available in the Florida  
45 Education Finance Program by the Legislature, including the  
46 student transportation allocation and the educational enrichment  
47 allocation. Total funding for each charter school shall be  
48 recalculated during the year to reflect the revised calculations  
49 under the Florida Education Finance Program by the state and the  
50 actual weighted full-time equivalent students reported by the

51 charter school during the full-time equivalent student survey  
52 periods designated by the Commissioner of Education. For charter  
53 schools operated by a not-for-profit or municipal entity, any  
54 unrestricted current and capital assets identified in the  
55 charter school's annual financial audit may be used for other  
56 charter schools operated by the not-for-profit or municipal  
57 entity within the school district. For charter schools operated  
58 by a not-for-profit entity, any unrestricted current or capital  
59 assets identified in the charter school's annual audit may be  
60 used for other charter schools operated by the not-for-profit  
61 entity which are located outside of the originating charter  
62 school's school district, but within the state, through an  
63 unforgivable loan that must be repaid within 5 years to the  
64 originating charter school by the receiving charter school.  
65 Unrestricted current assets shall be used in accordance with s.  
66 1011.62, and any unrestricted capital assets shall be used in  
67 accordance with s. 1013.62(2).

68 2.a. Funding for students enrolled in a charter school  
69 sponsored by a state university or Florida College System  
70 institution pursuant to paragraph (5)(a) shall be provided in  
71 the Florida Education Finance Program as defined in s.  
72 1011.61(4) and as specified in the General Appropriations Act.  
73 The calculation to determine the amount of state funds includes  
74 the sum of the base Florida Education Finance Program  
75 established in s. 1011.62(1)(n), the discretionary millage

76 compression supplement established in s. 1011.62(5), and the  
77 state-funded discretionary contribution established in s.  
78 1011.62(6). Charter schools whose students or programs meet the  
79 eligibility criteria in law are entitled to their proportionate  
80 share of categorical program funds included in the total funds  
81 available in the Florida Education Finance Program. The Florida  
82 College System institution or state university sponsoring the  
83 charter school shall be the fiscal agent for these funds, and  
84 all rules of the institution governing the budgeting and  
85 expenditure of state funds shall apply to these funds unless  
86 otherwise provided by law or rule of the State Board of  
87 Education.

88 (I) The nonvoted required local millage established  
89 pursuant to s. 1011.71(1) that would otherwise be required for  
90 the charter schools shall be allocated from state funds.

91 (II) An equivalent amount of funds for the operating  
92 discretionary millage authorized pursuant to s. 1011.71(1) shall  
93 be allocated to each charter school through a state-funded  
94 discretionary contribution established pursuant to s.  
95 1011.62(6).

96 (III) The comparable wage factor as provided in s.  
97 1011.62(2) shall be established as 1.000.

98 b. Total funding for each charter school shall be  
99 recalculated during the year to reflect the revised calculations  
100 under the Florida Education Finance Program by the state and the

101 actual weighted full-time equivalent students reported by the  
102 charter school during the full-time equivalent student survey  
103 periods designated by the Commissioner of Education.

104 c. The Department of Education shall develop a tool that  
105 each state university or Florida College System institution  
106 sponsoring a charter school shall use for purposes of  
107 calculating the funding amount for each eligible charter school  
108 student. The total amount obtained from the calculation must be  
109 appropriated from state funds in the General Appropriations Act  
110 to the charter school.

111 d. Capital outlay funding for a charter school sponsored  
112 by a state university or Florida College System institution  
113 pursuant to paragraph (5)(a) is determined as follows: multiply  
114 the maximum allowable nonvoted discretionary millage under s.  
115 1011.71(2) by 96 percent of the current year's taxable value for  
116 school purposes for the district in which the charter school is  
117 located; divide the result by the total full-time equivalent  
118 student membership; and multiply the result by the full-time  
119 equivalent student membership of the charter school. The amount  
120 obtained shall be the discretionary capital improvement funds  
121 and shall be appropriated from state funds in the General  
122 Appropriations Act.

123 (e) Sponsors shall make timely and efficient payment and  
124 reimbursement to charter schools, including processing paperwork  
125 required to access special state and federal funding for which

126 they may be eligible, including the timely review and  
127 reimbursement of federal grant funds. Payments of funds under  
128 paragraph (b) shall be made monthly or twice a month, beginning  
129 with the start of the sponsor's fiscal year. Each payment shall  
130 be one-twelfth, or one twenty-fourth, as applicable, of the  
131 total state and local funds described in paragraph (b) and  
132 adjusted as set forth therein. For the first 2 years of a  
133 charter school's operation, if a minimum of 75 percent of the  
134 projected enrollment is entered into the sponsor's student  
135 information system by the first day of the current month, the  
136 sponsor shall distribute funds to the school for the months of  
137 July through October based on the projected full-time equivalent  
138 student membership of the charter school as submitted in the  
139 approved application. If less than 75 percent of the projected  
140 enrollment is entered into the sponsor's student information  
141 system by the first day of the current month, the sponsor shall  
142 base payments on the actual number of student enrollment entered  
143 into the sponsor's student information system. Thereafter, the  
144 results of full-time equivalent student membership surveys shall  
145 be used in adjusting the amount of funds distributed monthly to  
146 the charter school for the remainder of the fiscal year. The  
147 payments shall be issued no later than 10 working days after the  
148 sponsor receives a distribution of state or federal funds or the  
149 date the payment is due pursuant to this subsection. With  
150 respect to federal grant funds submitted for reimbursement, the

151 sponsor shall have 60 calendar days from the date of the  
152 submission to reimburse the charter school if the submission  
153 provides all the necessary information to qualify for  
154 reimbursement. If a warrant for payment is not issued within 10  
155 working days after receipt of funding by the sponsor or within  
156 60 calendar days after an approved submittal for reimbursement  
157 of federal grant funds, the sponsor shall pay to the charter  
158 school, in addition to the amount of the scheduled disbursement,  
159 interest at a rate of 1 percent per month calculated on a daily  
160 basis on the unpaid balance from the expiration of the 10  
161 working days or 60 calendar days for the reimbursement of  
162 federal grant funds, until such time as the warrant is issued.  
163 The district school board may not delay payment to a charter  
164 school of any portion of the funds provided in paragraph (b),  
165 including any funds from the school district's current operating  
166 discretionary millage levy authorized under s. 1011.71(1) and  
167 (9), based on the timing of receipt of local funds by the  
168 district school board.

169 (18) FACILITIES.—

170 (d) Any facility, or portion thereof, used to house a  
171 charter school whose charter has been approved by the sponsor  
172 and the governing board pursuant to subsection (7) is Charter  
173 ~~school facilities are~~ exempt from assessments of fees for  
174 building permits, except as provided in s. 553.80; fees for  
175 building and occupational licenses; impact fees or exactions;

176 service availability fees; and assessments for special benefits.

177 (e) If a district school board facility or property is  
178 available because it is surplus, marked for disposal, or  
179 otherwise unused, it shall be provided for a charter school's  
180 use on the same basis as it is made available to other public  
181 schools in the district. A charter school receiving property  
182 from the sponsor may not sell or dispose of such property  
183 without written permission of the sponsor. Similarly, for an  
184 existing public school converting to charter status, a district  
185 school board may not charge rental or leasing fees for the  
186 existing facility or for the property normally inventoried to  
187 the conversion school to the parents, principal, school advisory  
188 council, or teachers organizing the charter school. The  
189 municipality must negotiate rental or leasing fees with the  
190 district school board. Property normally inventoried to the  
191 school may not be removed. The charter school shall agree to  
192 reasonable maintenance provisions in order to maintain the  
193 facility in a manner similar to district school board standards.  
194 The Public Education Capital Outlay maintenance funds or any  
195 other maintenance funds generated by the facility operated as a  
196 conversion school or allocated to the facility operated as a  
197 conversion school under s. 1013.62 shall remain with the  
198 conversion school.

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

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201       (a) A charter school system's governing board shall be  
202 designated a local educational agency for the purpose of  
203 receiving federal funds, the same as though the charter school  
204 system were a school district, if the governing board of the  
205 charter school system has adopted and filed a resolution with  
206 each of its sponsors ~~sponsor~~ and the Department of Education in  
207 which the governing board of the charter school system accepts  
208 the full responsibility for all local education agency  
209 requirements and the charter school system meets both all of the  
210 following:

211       1. Has all schools located in the same county;

212       1.2. Has a total enrollment exceeding the total enrollment  
213 of at least one school district in this state.; ~~and~~

214       2.3. Has the same governing board.

215  
216 Such designation does not apply to other provisions unless  
217 specifically provided in law.

218       (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

219       (d) A landlord of a charter school or his or her spouse or  
220 an officer, a director, or an employee of an entity that is a  
221 landlord of a charter school or his or her spouse may not be a  
222 member of a governing board of a charter school unless:

223       1. The charter school was established pursuant to  
224 paragraph (15) (c);

225       2. The landlord is a nonprofit, tax-exempt entity whose

226 mission includes supporting the charter school; or

227 3. The landlord is a limited liability company, the sole  
228 member of which is the charter school.

229 **Section 2. Subsection (1), paragraphs (b) and (d) of**  
230 **subsection (3), and paragraph (e) of subsection (4) of section**  
231 **1013.62, Florida Statutes, are amended to read:**

232 1013.62 Charter schools capital outlay funding.—

233 (1) Charter school capital outlay funding shall consist of  
234 state funds when such funds are appropriated in the General  
235 Appropriations Act and revenue resulting from the discretionary  
236 millage authorized in s. 1011.71(2).

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

239 1.a. Have been in operation for 2 or more years;

240 b. Be governed by a governing board established in the  
241 state for 2 or more years which operates both charter schools  
242 and conversion charter schools within the state;

243 c. Be an expanded feeder chain of a charter school within  
244 the same school district that is currently receiving charter  
245 school capital outlay funds;

246 d. Have been accredited by a regional accrediting  
247 association as defined by State Board of Education rule;

248 e. Serve students in facilities that are provided by a  
249 business partner for a charter school-in-the-workplace pursuant  
250 to s. 1002.33(15)(b); or

251       f. Be operated by a hope operator pursuant to s. 1002.333.

252       2. Have an annual audit that does not reveal any of the

253 financial emergency conditions provided in s. 218.503(1) for the

254 most recent fiscal year for which such audit results are

255 available.

256       3. Have not earned two consecutive grades of "F," three

257 consecutive grades below a "C," or two consecutive school

258 improvement ratings of "Unsatisfactory."

259       4. Have received final approval from its sponsor pursuant

260 to s. 1002.33 for operation during that fiscal year.

261       5. ~~Serve students in facilities that are not provided by~~

262 ~~the charter school's sponsor.~~

263       5.6. Attest in writing to the department that if the

264 charter school is nonrenewed or terminated, any unencumbered

265 funds and all equipment and property purchased with public funds

266 shall revert pursuant to subsection (5).

267       (b) A charter school is not eligible to receive capital

268 outlay funds if:

269       1. ~~It was created by the conversion of a public school and~~

270 ~~operates in facilities provided by the charter school's sponsor~~

271 ~~for a nominal fee, or at no charge, or if it is directly or~~

272 ~~indirectly operated by the school district;~~

273       1.2. It is a developmental research (laboratory) school

274 that receives state funding for capital improvement purposes

275 pursuant to s. 1002.32(9)(d);

276       2.3. A member of the governing board, or his or her family  
277 member as defined in s. 440.13(1)(b), has an interest in or is  
278 an employee of the lessor, excluding charter schools operating  
279 pursuant to s. 1002.33(15) and charter schools whose lessor or  
280 property owner is a nonprofit, tax-exempt entity with a mission  
281 that includes supporting the school or a limited liability  
282 company, the sole member of which is the charter school; or

283       3.4. It is a Florida College System institution or state  
284 university sponsored charter school that receives state funding  
285 for capital improvement purposes pursuant to s.  
286 1002.33(17)(b)2.d.

287       (3) If the school board levies the discretionary millage  
288 authorized in s. 1011.71(2), the department shall use the  
289 following calculation methodology to determine the amount of  
290 revenue that a school district must distribute to each eligible  
291 charter school:

292       (b) Divide the school district's adjusted discretionary  
293 millage revenue by the district's total capital outlay full-time  
294 equivalent membership, not to include any full-time equivalent  
295 membership of eligible charter schools, and the total number of  
296 full-time equivalent students of each eligible charter school to  
297 determine a capital outlay allocation per full-time equivalent  
298 student.

299       (d) ~~If applicable, reduce the capital outlay allocation~~  
300 ~~identified in paragraph (c) by the total amount of state funds~~

301 allocated to each eligible charter school in subsection (2) to  
302 determine the maximum calculated capital outlay allocation. The  
303 amount of funds a school district must distribute to charter  
304 schools shall be as follows:

305 1. For fiscal year 2023-2024, the amount is 20 percent of  
306 the amount calculated under this paragraph.

307 2. For fiscal year 2024-2025, the amount is 40 percent of  
308 the amount calculated under this paragraph.

309 3. For fiscal year 2025-2026, the amount is 60 percent of  
310 the amount calculated under this paragraph.

311 4. For fiscal year 2026-2027, the amount is 80 percent of  
312 the amount calculated under this paragraph.

313 5. For fiscal year 2027-2028, and each fiscal year  
314 thereafter, the amount is 100 percent of the amount calculated  
315 under this paragraph.

316  
317 By October 1 of each year, each school district shall certify to  
318 the department the amount of debt service and participation  
319 requirement that complies with the requirement of paragraph (a)  
320 and can be reduced from the total discretionary millage revenue.  
321 The Auditor General shall verify compliance with the  
322 requirements of paragraph (a) and s. 1011.71(2)(e) during  
323 scheduled operational audits of school districts.

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

326 (e) Renovation, repair, and maintenance of school  
327 facilities that the charter school owns or is purchasing through  
328 a lease-purchase, occupies under a or long-term lease of 5 years  
329 or longer, or has agreed to maintain under a mutual management  
330 plan with the charter school's sponsor.

331  
332 Any purchase, lease-purchase, or lease made pursuant to this  
333 subsection must be at the appraised value. For purposes of this  
334 subsection, the term "appraised value" means the fair market  
335 value as determined by an independent, Florida-licensed,  
336 qualified appraiser selected by the governing board.

337 Documentation of the appraised value shall be provided to the  
338 department upon its request. Conversion charter schools may use  
339 capital outlay funds received through the reduction in the  
340 administrative fee provided in s. 1002.33(20) for renovation,  
341 repair, and maintenance of school facilities that are owned by  
342 the sponsor.

343 **Section 3.** This act shall take effect July 1, 2026.