

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; providing the delay of certain payments
4 to charter schools; revising the facilities that are
5 exempt from specified assessments of fees; revising
6 the maintenance funds that remain with a conversion
7 school; revising the criteria for a charter school
8 system to be considered a local educational agency;
9 providing an exception to landlords serving on charter
10 school governing boards; amending s. 1013.62, F.S.;
11 revising charter school eligibility and ineligibility
12 criteria to receive charter school capital outlay
13 funding; revising the calculation methodology for
14 determining a charter school's share of specified
15 revenue; revising the authorized uses of charter
16 school capital outlay funding; providing an effective
17 date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 **Section 1. Paragraphs (b) and (e) of subsection (17),**
22 **paragraphs (d) and (e) of subsection (18), paragraph (a) of**
23 **subsection (25), and paragraph (d) of subsection (26) of section**
24 **1002.33, Florida Statutes, are amended to read:**

25 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.—

(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 each of its sponsors ~~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 both ~~all~~ of the following:

- ~~1. Has all schools located in the same county;~~
- ~~1.2.~~ Has a total enrollment exceeding the total enrollment of at least one school district in this state. ; ~~and~~
- ~~2.3.~~ Has the same governing board.

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

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

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

1. The charter school was established pursuant to paragraph (15) (c);
2. The landlord is a nonprofit, tax-exempt entity whose

mission includes supporting the charter school; or

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

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

1013.62 Charter schools capital outlay funding.—

(1) 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).

(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 not earned two consecutive grades of "F," three consecutive grades below a "C," or two consecutive school improvement ratings of "Unsatisfactory."

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.~~

~~5.6.~~ Attest in writing to the department that if the charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with public funds shall revert pursuant to subsection (5).

(b) A charter school is not eligible to receive capital outlay funds if:

~~1. 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;~~

~~1.2.~~ It is a developmental research (laboratory) school that receives state funding for capital improvement purposes 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~~

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

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

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

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

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

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

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:

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.