

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Education Pre-K -12

CS/CS/HB 1259 — Education

by Appropriations Committee; Education and Employment Committee; and Rep. Canady and others (CS/CS/SB 1328 by Appropriations Committee; Education Pre-K -12 Committee; and Senator Hutson)

The bill clarifies that charter school capital outlay funding must consist of state funds when said funds are appropriated in the General Appropriations Act (GAA) and revenue resulting from discretionary capital outlay millage authorized in statute. The bill removes the specified state funding threshold.

The bill revises the calculation methodology the Department of Education (DOE) uses to allocate state funds appropriated in the GAA to eligible charter schools. The bill specifies that state funds must be allocated on the basis of unweighted full-time equivalent (FTE) students and removes the additional FTE weight for students that are eligible for free and reduced lunch and students with disabilities.

The bill removes the state funding threshold from the calculation methodology used by the DOE to determine the amount of the discretionary capital outlay millage revenue a school district must distribute to each eligible charter school. To reduce the initial burden on school districts and provide for a transition to the required sharing of the \$1.5 millage revenue, the bill provides a 5-year glide path whereby school districts share the following percentages of the calculated amount:

- For Fiscal Year 2023-2024 – 20 percent.
- For Fiscal Year 2024-2025 – 40 percent.
- For Fiscal Year 2025-2026 – 60 percent.
- For Fiscal Year 2026-2027 – 80 percent.
- For Fiscal Year 2027-2028, and each fiscal year thereafter – 100 percent.

The bill adds reasons a charter school would not be eligible to receive capital outlay funds, if:

- The school is a developmental research (laboratory) school that receives state funding for capital improvement purposes.
- A member of the governing board, or his or her family member, has an interest in or is an employee of the lessor of the charter school property, unless the charter is a charter school-in-the workplace or a charter school-in-a-municipality.

The bill requires a charter school to attest in writing to the DOE, that, if the charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with the public funds must revert to the district school board. Also, the bill requires purchases, lease-purchases, or leases by a charter school using charter capital outlay funds to be at the appraised value, defined as the fair market value to be determined by an independent, Florida-licensed, qualified appraiser selected by the charter school governing board.

Additionally, the bill clarifies that the calculation of each school district's enrollment for purposes of calculating the proportionate share of the school capital outlay surtax must be based on capital outlay full-time equivalent enrollment (COFTE), rather than the total school district enrollment.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 29-11; House 82-31