

1 A bill to be entitled
2 An act relating to education; amending s. 212.055,
3 F.S.; requiring that certain surtax revenues which are
4 shared with school districts must also be shared with
5 charter schools on a proportionate basis in accordance
6 with certain provisions; providing applicability;
7 amending s. 1002.33, F.S.; requiring a charter school
8 sponsor to use a standard monitoring tool to monitor
9 and review a charter school; requiring school
10 districts to provide charter schools with specified
11 information relating to public school funding by a
12 specified date annually; requiring school districts to
13 provide a summary report of specified revenues to the
14 Department of Education and post such report on their
15 websites by a specified date annually; amending s.
16 1002.333, F.S.; defining the term "sponsoring entity";
17 providing that a hope operator must submit a notice of
18 intent to open a school of hope to the sponsoring
19 entity, rather than the school district; requiring the
20 sponsoring entity, rather than the school district, to
21 enter into a performance-based agreement with a hope
22 operator; requiring a school of hope to provide the
23 sponsoring entity, rather than the school district,
24 with a financial statement summary sheet; providing
25 that specified provisions relating to performance-

26 based agreements and disputes apply to sponsoring
27 entities, rather than district school boards and
28 school districts; providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:

31
32 **Section 1. Paragraphs (c) and (d) of subsection (2) of**
33 **section 212.055, Florida Statutes, are amended to read:**

34 212.055 Discretionary sales surtaxes; legislative intent;
35 authorization and use of proceeds.—It is the legislative intent
36 that any authorization for imposition of a discretionary sales
37 surtax shall be published in the Florida Statutes as a
38 subsection of this section, irrespective of the duration of the
39 levy. Each enactment shall specify the types of counties
40 authorized to levy; the rate or rates which may be imposed; the
41 maximum length of time the surtax may be imposed, if any; the
42 procedure which must be followed to secure voter approval, if
43 required; the purpose for which the proceeds may be expended;
44 and such other requirements as the Legislature may provide.
45 Taxable transactions and administrative procedures shall be as
46 provided in s. 212.054.

47 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

48 (c) Pursuant to s. 212.054(4), the proceeds of the surtax
49 levied under this subsection shall be distributed to the county
50 and the municipalities within such county in which the surtax

51 was collected, according to:

52 1. An interlocal agreement between the county governing
53 authority and the governing bodies of the municipalities
54 representing a majority of the county's municipal population,
55 which agreement may include a school district with the consent
56 of the county governing authority and the governing bodies of
57 the municipalities representing a majority of the county's
58 municipal population; or

59 2. If there is no interlocal agreement, according to the
60 formula provided in s. 218.62.

61
62 Any change in the distribution formula must take effect on the
63 first day of any month that begins at least 60 days after
64 written notification of that change has been made to the
65 department. Any interlocal agreement that includes a school
66 district must require the surtax revenues allocated to the
67 school district to be shared with eligible charter schools, as
68 determined pursuant to s. 1013.62(1), based on the charter
69 school's proportionate share of the total school district
70 enrollment, subject to the requirements of, and for purposes
71 provided in, subparagraph (d)4.

72 (d) The proceeds of the surtax authorized by this
73 subsection and any accrued interest shall be expended by the
74 school district, within the county and municipalities within the
75 county, or, in the case of a negotiated joint county agreement,

76 | within another county, to finance, plan, and construct
77 | infrastructure; to acquire any interest in land for public
78 | recreation, conservation, or protection of natural resources or
79 | to prevent or satisfy private property rights claims resulting
80 | from limitations imposed by the designation of an area of
81 | critical state concern; to provide loans, grants, or rebates to
82 | residential or commercial property owners who make energy
83 | efficiency improvements to their residential or commercial
84 | property, if a local government ordinance authorizing such use
85 | is approved by referendum; or to finance the closure of county-
86 | owned or municipally owned solid waste landfills that have been
87 | closed or are required to be closed by order of the Department
88 | of Environmental Protection. Any use of the proceeds or interest
89 | for purposes of landfill closure before July 1, 1993, is
90 | ratified. The proceeds and any interest may not be used for the
91 | operational expenses of infrastructure, except that a county
92 | that has a population of fewer than 75,000 and that is required
93 | to close a landfill may use the proceeds or interest for long-
94 | term maintenance costs associated with landfill closure.
95 | Counties, as defined in s. 125.011, and charter counties may, in
96 | addition, use the proceeds or interest to retire or service
97 | indebtedness incurred for bonds issued before July 1, 1987, for
98 | infrastructure purposes, and for bonds subsequently issued to
99 | refund such bonds. Any use of the proceeds or interest for
100 | purposes of retiring or servicing indebtedness incurred for

101 refunding bonds before July 1, 1999, is ratified.

102 1. For the purposes of this paragraph, the term
103 "infrastructure" means:

104 a. Any fixed capital expenditure or fixed capital outlay
105 associated with the construction, reconstruction, or improvement
106 of public facilities that have a life expectancy of 5 or more
107 years, any related land acquisition, land improvement, design,
108 and engineering costs, and all other professional and related
109 costs required to bring the public facilities into service. For
110 purposes of this sub-subparagraph, the term "public facilities"
111 means facilities as defined in s. 163.3164(41), s. 163.3221(13),
112 or s. 189.012(5), and includes facilities that are necessary to
113 carry out governmental purposes, including, but not limited to,
114 fire stations, general governmental office buildings, and animal
115 shelters, regardless of whether the facilities are owned by the
116 local taxing authority or another governmental entity.

117 b. A fire department vehicle, an emergency medical service
118 vehicle, a sheriff's office vehicle, a police department
119 vehicle, or any other vehicle, and the equipment necessary to
120 outfit the vehicle for its official use or equipment that has a
121 life expectancy of at least 5 years.

122 c. Any expenditure for the construction, lease, or
123 maintenance of, or provision of utilities or security for,
124 facilities, as defined in s. 29.008.

125 d. Any fixed capital expenditure or fixed capital outlay

126 associated with the improvement of private facilities that have
127 a life expectancy of 5 or more years and that the owner agrees
128 to make available for use on a temporary basis as needed by a
129 local government as a public emergency shelter or a staging area
130 for emergency response equipment during an emergency officially
131 declared by the state or by the local government under s.
132 252.38. Such improvements are limited to those necessary to
133 comply with current standards for public emergency evacuation
134 shelters. The owner must enter into a written contract with the
135 local government providing the improvement funding to make the
136 private facility available to the public for purposes of
137 emergency shelter at no cost to the local government for a
138 minimum of 10 years after completion of the improvement, with
139 the provision that the obligation will transfer to any
140 subsequent owner until the end of the minimum period.

141 e. Any land acquisition expenditure for a residential
142 housing project in which at least 30 percent of the units are
143 affordable to individuals or families whose total annual
144 household income does not exceed 120 percent of the area median
145 income adjusted for household size, if the land is owned by a
146 local government or by a special district that enters into a
147 written agreement with the local government to provide such
148 housing. The local government or special district may enter into
149 a ground lease with a public or private person or entity for
150 nominal or other consideration for the construction of the

151 residential housing project on land acquired pursuant to this
152 sub-subparagraph.

153 f. Instructional technology used solely in a school
154 district's classrooms. As used in this sub-subparagraph, the
155 term "instructional technology" means an interactive device that
156 assists a teacher in instructing a class or a group of students
157 and includes the necessary hardware and software to operate the
158 interactive device. The term also includes support systems in
159 which an interactive device may mount and is not required to be
160 affixed to the facilities.

161 2. For the purposes of this paragraph, the term "energy
162 efficiency improvement" means any energy conservation and
163 efficiency improvement that reduces consumption through
164 conservation or a more efficient use of electricity, natural
165 gas, propane, or other forms of energy on the property,
166 including, but not limited to, air sealing; installation of
167 insulation; installation of energy-efficient heating, cooling,
168 or ventilation systems; installation of solar panels; building
169 modifications to increase the use of daylight or shade;
170 replacement of windows; installation of energy controls or
171 energy recovery systems; installation of electric vehicle
172 charging equipment; installation of systems for natural gas fuel
173 as defined in s. 206.9951; and installation of efficient
174 lighting equipment.

175 3. Notwithstanding any other provision of this subsection,

176 a local government infrastructure surtax imposed or extended
177 after July 1, 1998, may allocate up to 15 percent of the surtax
178 proceeds for deposit into a trust fund within the county's
179 accounts created for the purpose of funding economic development
180 projects having a general public purpose of improving local
181 economies, including the funding of operational costs and
182 incentives related to economic development. The ballot statement
183 must indicate the intention to make an allocation under the
184 authority of this subparagraph.

185 4. Surtax revenues which are shared with eligible charter
186 schools pursuant to paragraph (c) shall be allocated among such
187 schools based on each school's proportionate share of total
188 school district capital outlay full-time equivalent enrollment
189 as adopted by the education estimating conference established in
190 s. 216.136. Surtax revenues must be expended by the charter
191 school in a manner consistent with the allowable uses provided
192 in s. 1013.62(4). All revenues and expenditures shall be
193 accounted for in a charter school's monthly or quarterly
194 financial statement pursuant to s. 1002.33(9). If a school's
195 charter is not renewed or is terminated and the school is
196 dissolved under the provisions of law under which the school was
197 organized, any unencumbered funds received under this paragraph
198 shall revert to the sponsor.

199 **Section 2.** The amendment made by this act to s.
200 212.055(2), Florida Statutes, which amends the allowable uses of

the local government infrastructure surtax, applies to levies
authorized by vote of the electors on or after July 1, 2025.

**Section 3. Paragraph (b) of subsection (5) of section
1002.33, Florida Statutes, is amended, and paragraph (i) is
added to subsection (17) of that section, to read:**

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties*.—

1.a. The sponsor shall monitor and review the charter
school, using the standard monitoring tool, 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 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

226 newly revised policy until the revised policy is mutually agreed
227 upon.

228 e. The sponsor shall ensure that the charter is innovative
229 and consistent with the state education goals established by s.
230 1000.03(5).

231 f. The sponsor shall ensure that the charter school
232 participates in the state's education accountability system. If
233 a charter school falls short of performance measures included in
234 the approved charter, the sponsor shall report such shortcomings
235 to the Department of Education.

236 g. The sponsor is not liable for civil damages under state
237 law for personal injury, property damage, or death resulting
238 from an act or omission of an officer, employee, agent, or
239 governing body of the charter school.

240 h. The sponsor is not liable for civil damages under state
241 law for any employment actions taken by an officer, employee,
242 agent, or governing body of the charter school.

243 i. The sponsor's duties to monitor the charter school do
244 not constitute the basis for a private cause of action.

245 j. The sponsor may not impose additional reporting
246 requirements on a charter school as long as the charter school
247 has not been identified as having a deteriorating financial
248 condition or financial emergency pursuant to s. 1002.345.

249 k. The sponsor shall submit an annual report to the
250 Department of Education in a web-based format to be determined

251 by the department.

252 (I) The report shall include the following information:

253 (A) The number of applications received during the school
254 year and up to August 1 and each applicant's contact
255 information.

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

258 (C) The date each final contract was executed.

259 (II) Annually, by November 1, the sponsor shall submit to
260 the department the information for the applications submitted
261 the previous year.

262 (III) The department shall compile an annual report, by
263 sponsor, and post the report on its website by January 15 of
264 each year.

265 2. Immunity for the sponsor of a charter school under
266 subparagraph 1. applies only with respect to acts or omissions
267 not under the sponsor's direct authority as described in this
268 section.

269 3. This paragraph does not waive a sponsor's sovereign
270 immunity.

271 4. A Florida College System institution may work with the
272 school district or school districts in its designated service
273 area to develop charter schools that offer secondary education.
274 These charter schools must include an option for students to
275 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

301 that charter schools will be charged for such services. The fees
302 must consist of the governmental entity's fees plus a fee for
303 the school district to recover no more than actual costs for
304 providing such services. These services and fees are not
305 included within the services to be provided pursuant to
306 subsection (20). Notwithstanding any other provision of law, an
307 interlocal agreement or ordinance that imposes a greater
308 regulatory burden on charter schools than school districts or
309 that prohibits or limits the creation of a charter school is
310 void and unenforceable. An interlocal agreement entered into by
311 a school district for the development of only its own schools,
312 including provisions relating to the extension of
313 infrastructure, may be used by charter schools.

314 6. The board of trustees of a sponsoring state university
315 or Florida College System institution under paragraph (a) is the
316 local educational agency for all charter schools it sponsors for
317 purposes of receiving federal funds and accepts full
318 responsibility for all local educational agency requirements and
319 the schools for which it will perform local educational agency
320 responsibilities. A student enrolled in a charter school that is
321 sponsored by a state university or Florida College System
322 institution may not be included in the calculation of the school
323 district's grade under s. 1008.34(5) for the school district in
324 which he or she resides.

325 (17) FUNDING.—Students enrolled in a charter school,

regardless of the sponsorship, shall be funded based upon the applicable program pursuant to s. 1011.62(1)(c), 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.

(i)1. By July 1 of each year, school districts shall provide charter schools the following information pertaining to shared revenues generated by a discretionary half-cent sales surtax, voted district school operating millage, and nonvoted district school capital improvement millage:

a. The estimated total revenue to be received from each tax.

b. The estimated per-student allocation to charter schools from each tax and the methodology used to determine the estimate.

c. The estimated timeframe within which the charter school will receive funds from each tax.

d. A detailed explanation for each revenue transmission at the time funds are transferred.

2. By March 31 of each year, each school district shall provide to the department a summary report, by charter school, of distributed revenues, by revenue source, and shall post the report on its website.

Section 4. Subsection (4), paragraphs (k), (l), and (m) of subsection (5), paragraphs (a) and (h) of subsection (6), and

paragraphs (b) and (c) of subsection (11) of section 1002.333, Florida Statutes, are amended, and paragraph (e) is added to subsection (1) of that section, to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(e) "Sponsoring entity" has the same meaning as in s. 1002.33(5), provided that a state university and Florida College System institution has been approved by the Department of Education and has solicited applications and accepted a notice of intent for a school of hope.

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the sponsoring entity to operate a school of hope in a ~~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.

376 6. The grade levels to be served and enrollment
377 projections.

378 7. The proposed location or geographic area proposed for
379 the school consistent with the requirements of sub-subparagraphs
380 (1)(d)1.a. and b.

381 8. A staffing plan.

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

387 (5) PERFORMANCE-BASED AGREEMENT.—The following shall
388 comprise the entirety of the performance-based agreement:

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

396 (1) A provision that any loans, bonds, or other financial
397 agreements are not obligations of the state or the sponsoring
398 entity ~~school district~~ but are obligations of the school of hope
399 and are payable solely from the sources of funds pledged by such
400 agreement.

401 (m) A prohibition on the pledge of credit or taxing power
402 of the state or the sponsoring entity ~~school district~~.

403 (6) STATUTORY AUTHORITY.—

404 (a) A school of hope or a nonprofit entity that operates
405 more than one school of hope through a performance-based
406 agreement with a sponsoring entity ~~school district~~ may be
407 designated as a local education agency by the department, if
408 requested, for the purposes of receiving federal funds and, in
409 doing so, accepts the full responsibility for all local
410 education agency requirements and the schools for which it will
411 perform local education agency responsibilities.

412 1. A nonprofit entity designated as a local education
413 agency may report its students to the department in accordance
414 with the definitions in s. 1011.61 and pursuant to the
415 department's procedures and timelines.

416 2. Students enrolled in a school established by a hope
417 operator designated as a local educational agency are not
418 eligible students for purposes of calculating the district grade
419 pursuant to s. 1008.34(5).

420 (h)1. A school of hope shall provide the sponsoring entity
421 ~~school district~~ with a concise, uniform, quarterly financial
422 statement summary sheet that contains a balance sheet and a
423 statement of revenue, expenditures, and changes in fund balance.
424 The balance sheet and the statement of revenue, expenditures,
425 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 the sponsoring entity ~~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.

(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:

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

451 schools and students residing in Florida Opportunity Zones.

452 (c) Resolve disputes between a hope operator and a
453 sponsoring entity ~~school district~~ arising from a performance-
454 based agreement or a contract between a charter operator and a
455 school district under the requirements of s. 1008.33. The
456 Commissioner of Education shall appoint a special magistrate who
457 is a member of The Florida Bar in good standing and who has at
458 least 5 years' experience in administrative law. The special
459 magistrate shall hold hearings to determine facts relating to
460 the dispute and to render a recommended decision for resolution
461 to the State Board of Education. The recommendation may not
462 alter in any way the provisions of the performance-based
463 agreement under subsection (5). The special magistrate may
464 administer oaths and issue subpoenas on behalf of the parties to
465 the dispute or on his or her own behalf. Within 15 calendar days
466 after the close of the final hearing, the special magistrate
467 shall transmit a recommended decision to the State Board of
468 Education and to the representatives of both parties by
469 registered mail, return receipt requested. The State Board of
470 Education must approve or reject the recommended decision at its
471 next regularly scheduled meeting that is more than 7 calendar
472 days and no more than 30 days after the date the recommended
473 decision is transmitted. The decision by the State Board of
474 Education is a final agency action that may be appealed to the
475 District Court of Appeal, First District in accordance with s.

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120.68. A charter school may recover attorney fees and costs if the State Board of Education determines that the sponsoring entity ~~school-district~~ unlawfully implemented or otherwise impeded implementation of the performance-based agreement pursuant to this paragraph.

Section 5. This act shall take effect July 1, 2025.