

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 140

INTRODUCER: Education Pre-K -12 Committee and Senator Gaetz

SUBJECT: Charter Schools

DATE: March 28, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u><b>Fav/CS</b></u>
2.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u><b>Favorable</b></u>
3.	_____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 140 modifies procedures regarding charter school conversions and establishes “job engine” charter schools. The bill also provides additional requirements for district school boards related to the acquisition and disposal of property. Specifically, the bill:

- Provides that a charter school application submitted by parents for a conversion charter school must be made specifically by parents of children enrolled in the school to be converted, and removes the required demonstration of support of teachers.
- Allows a municipality to apply to establish a “job engine” new or conversion charter school and allows an enrollment preference for child of an employee of a job producing entity that has been identified.
- Includes charter schools in the Workforce Development Capitalization Incentive Grant Program and specifies that the grant program is for grades 6-12. Additionally, the grant program is required to give priority to an application from a “job engine” charter school.
- Sets requirements of a district school board regarding rental or leasing fees for conversion charter schools and removal of inventoried property in facilities.
- Provides planning and reporting requirements for district school boards when acquiring real property.
- Sets prohibitions on acquisition of real property by district school boards and requires disposal of surplus real property when there is declining enrollment.
- Provides priorities for the disposal of real property.

The bill takes effect July 1, 2025.

## II. Present Situation:

### Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.<sup>1</sup>

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.<sup>2</sup>

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.<sup>3</sup>

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.<sup>4</sup>

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education, which:<sup>5</sup>

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.<sup>6</sup>

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<sup>1</sup> Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

<sup>2</sup> Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited Mar. 26, 2025). See also s. 1002.33(10), F.S.

<sup>3</sup> Section 1002.33(6), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

### ***Conversion Charter Schools***

Florida law allows for applications for conversion charter schools, which are converted from district public schools.<sup>7</sup> The school must have operated for at least two years as a traditional public school (including a school-within-a-school) before conversion. Application for a conversion may be made by a parent, teacher, principal, district school board or school advisory council, but must be approved by a majority of the teachers employed at the school and a majority of the parents whose children are enrolled in the school. A majority of the parents must participate in the vote.<sup>8</sup>

The charter for a conversion charter school must identify the alternative arrangements that will be put in place to serve current students that choose not to attend the school after it is converted. Conversion charter schools are not eligible for charter school capital outlay funding if the conversion charter school operates in facilities provided to them by the school district.<sup>9</sup>

### ***Charter Schools-in-a-Municipality***

A municipality that possesses a charter of incorporation may be granted a charter “school-in-a-municipality.” The charter school-in-a-municipality must enroll students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment and enroll students according to the racial/ethnic balance provisions described in law. Any portion of the land and facility used for a public charter school is exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.<sup>10</sup>

A charter school-in-a-municipality may give enrollment preference to a resident or employee of a municipality that operates the charter school or allows the charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.<sup>11</sup>

A charter school may limit the enrollment process to target students enrolling in a charter school-in-a-municipality.<sup>12</sup>

### ***Educational Facilities***

Requirements for district school boards are provided in Florida law<sup>13</sup> governing the leasing of:

- School district-owned land, facilities and educational plants to outside persons or entities.<sup>14</sup>
- Educational plants, ancillary please and auxiliary facilities by school districts.<sup>15</sup>
- Existing buildings or space within existing buildings originally constructed or used for purposes other than education.<sup>16</sup>

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<sup>7</sup> Section 1002.33(3)(b), F.S.

<sup>8</sup> Florida Department of Education, Frequently Asked Questions (Charter Schools), <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 26, 2025).

<sup>9</sup> *Id.*

<sup>10</sup> Section 1002.33(15)(c), F.S.

<sup>11</sup> Section 1002.33(10)(d)4.b., F.S.

<sup>12</sup> Section 1002.33(10)(e)3., F.S.

<sup>13</sup> Section 1013.15, F.S.

<sup>14</sup> Section 1013.15(1), F.S.

<sup>15</sup> Section 1013.15(2), F.S.

<sup>16</sup> Section 1013.15(4), F.S.

District school boards are allowed to lease any land, facilities, or educational plants owned by the district to any person or entity for terms and rent if the board determines doing so to be in the best interest of the district. A lease may provide for the optional or binding purchase of the land, facilities, or educational plants by the lessee if the board determines the transaction to be in the interest of the district. All leases or lease-purchase agreements must be approved by the district school board at a public meeting and the final copy of the proposed agreement must be available for inspection and review by the public.<sup>17</sup>

District school boards are allowed to lease-purchase educational plants, ancillary plants, and auxiliary facilities and sites for use by the district.<sup>18</sup> The lease-purchase must comply with specific Florida law<sup>19</sup> and must be advertised through a competitive bid process. The lease-purchase is required to be funded using current funds or other funds specifically allowed in law. Current law also allows lease-purchases through direct-support organizations, nonprofit organizations or a consortium of district school boards if the purchase would best serve the public interest.<sup>20</sup> The terms of any lease-purchase agreement, including the initial term and renewals cannot exceed the useful life of the facility or site or thirty years, whichever is shorter. A lease-purchase agreement entered into by a district school board is not permitted to constitute a debt, liability, or obligation of the state or that board.<sup>21</sup>

A district school board may dispose of any land or real property to which the board holds title which is determined to be unnecessary for educational purposes as recommended in an educational plant survey. The district school board must take diligent measures to dispose of educational property only in the best interests of the public.<sup>22</sup>

Current law provides requirements for charter school facilities that stipulate what restrictions or standards the facilities are required to meet.<sup>23</sup> In general, charter school facilities are required to meet Florida building codes but are exempt from the state requirements for educational facilities. Local governments are not permitted to impose certain requirements that are more stringent than the state requirements for educational facilities.<sup>24</sup> Charter schools are also provided with exemptions from certain taxes and permit fees.<sup>25</sup>

If a district school board facility or property is available because it is surplus, marked for disposal, or unused, current law requires that the property be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the sponsor cannot sell or dispose of the property without written permission. Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion

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<sup>17</sup> Section 1013.15(1), F.S.

<sup>18</sup> Section 1013.15(2)(b), F.S.

<sup>19</sup> Section 1013.37, F.S.

<sup>20</sup> Section 1013(2)(b)1., F.S.

<sup>21</sup> Section 1013(2)(b)3., F.S.

<sup>22</sup> Section 1013.28(1)(a), F.S.

<sup>23</sup> Section 1002.33(18), F.S.

<sup>24</sup> Section 1002.33(18), F.S.

<sup>25</sup> Section 1002.33(18)(c) and (d), F.S.

school can be charged to the parents and teachers organizing the charter school. The charter school is required to agree to reasonable maintenance provisions to maintain the facility.<sup>26</sup>

### ***Workforce Development***

The Workforce Development Capitalization Incentive Grant Program addresses the need for school districts and Florida College System institutions to be able to respond to emerging local or statewide economic development needs and is critical to the workforce development system. This grant program provides grants to school districts and Florida College System institutions to fund costs associated with the creation or expansion of career and technical education programs that lead to industry certifications included on the Florida Career and Professional Education Act or CAPE Industry Certification Funding List.<sup>27</sup>

## **III. Effect of Proposed Changes:**

### **Charter School Conversions**

CS/SB 140 modifies s. 1002.33, F.S., to require that parents who apply for a conversion charter school must be parents whose children are enrolled in the existing public school. The bill removes the requirement that 50 percent of the teachers employed at the school demonstrate support for the conversion, which may provide an easier path to a charter conversion. Additionally, the bill specifies that a college or state university that denies an application for a conversion charter is subject to the same requirements as a district school board.

The bill creates a new preference category for charter school enrollment for the children of employees who are employed at a job producing entity that has been identified by a municipality operating a “job engine” charter school.

### **Job Engine Charter Schools**

The bill establishes in s. 1002.33, F.S., “job engine” charter schools allowing a municipality to apply to operate a “job engine charter” school with the stated purpose to attract job-producing entities to the municipality. The bill requires each municipality operating a “job engine charter” school to:

- Make available an annual report to the sponsor that documents investments made to attract and maintain job-producing entities.
- Include career education opportunities.
- Provide provisions for exceptional student education.
- Use sufficient security technology to secure facilities.
- Accept responsibility for all debts incurred by the school.

The bill creates a new preference category for charter school enrollment for the children of employees who are employed at a job producing entity that has been identified by a municipality operating a “job engine” charter school.

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<sup>26</sup> Section 1002.33(18)(e), F.S.

<sup>27</sup> Section 1011.801, F.S.

The bill modifies s. 1011.801, F.S., to include charter schools in the Workforce Development Capitalization Incentive Grant program and specifies that the grant program includes grades 6-12. Additionally, the bill requires that the Department of Education include “job engine” charter schools in the priorities for the grants.

### **District School Board Property**

The bill modifies s. 1002.33, F.S. to include principals, school advisory councils and teachers organizing a charter school regarding not charging rental or leasing fees for existing facilities or normally inventoried property. The bill also requires the municipality to negotiate rental or leasing fees with the district school board and prohibits the removal of normally inventoried property from the school.

The bill modifies s. 1013.15, F.S., to require district school boards to approve a 5-year plan prior to occupying real property that addresses specific elements such as enrollment growth, demographic shifts, and changes in curriculum. If enrollment in the district has declined by more than 4 percent in the preceding 5-year period, the district is required to demonstrate actual or projected 5-year growth in the specific area of the district prior to acquiring real property to meet a need in that area. If the overall decline in enrollment is more than 4 percent the district school board is required to dispose of real property in the areas of the district where there is declining enrollment.

The bill requires the school board to dispose of surplus real property if doing so is in the best interest of the public and sets priorities regarding disposal of surplus property to specify affordable housing for teachers, first responders, military servicemembers, charter school facilities, and local recreational facilities.

The bill takes effect on July 1, 2025.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

E. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The fiscal impact is undetermined if any.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1011.801 and 1013.15.

IX. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K – 12 on March 17, 2025:**

The committee substitute reinstates language removed in the bill to allow district school boards, principals, teachers and school advisory councils as individuals or groups that can make application for a conversion charter school, and allows a municipality to establish a “job engine” conversion charter school. The amendment also:

- Includes colleges and state universities in requirements for sponsors denying the application for a conversion charter school.
- Adds to charter school allowable enrollment preferences students who may attend a charter school that are the children of employees of the job producing entity of the “job engine” charter school.
- Modifies the provision that a municipality seeking a “job engine” charter school to include a requirement to include career education opportunities and removes a provision that prohibited participation in athletics by first-year students.

The amendment also includes charter schools in the provisions for the Workforce Development Capitalization Incentive Grant Program, specifies grades 6-12 for eligibility for the grant program, and includes in the grant priority an application from a “job engine” charter school.

The amendment modifies the provision of the bill regarding 5-year facilities plans from submitting a plan to approval of a plan by a district school board and modifies the requirement for school districts acquiring real property and for the disposal of real property.

**B. Amendments:**

None.