

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.)

Prepared By: The Professional Staff of the Committee on Education Pre-K -12

BILL: SB 1708

INTRODUCER: Senators Calatayud and Gruters

SUBJECT: Education

DATE: March 28, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sabitsch	Bouck	ED	Pre-meeting
2.	_____	_____	AED	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1708 establishes schools of hope of distinction as a school of hope that has achieved specific criteria in the state accountability system and provides opportunities for those schools regarding use of facilities. Additionally, the bill modifies provisions related to educational facilities.

Specifically, the bill:

- Establishes a school of hope of distinction as a school of hope that meets certain requirements
- Adds another category of “persistently low-performing schools.”
- Specifies that an operator of one or more schools of hope designated as a local education agency may directly report students to the Department of Education (DOE).
- Modifies provisions for charter school facilities to include schools of hope of distinction.
- Provides definitions for “underused facilities” and “unused, vacant or surplus facilities” and provides certain rights to schools of hope and schools of hope of distinction to utilize such facilities.
- Allows a school of hope or a school of hope of distinction to submit a notice of intent to use underused, vacant, or surplus facilities to a school district.
- Removes a maximum cost related to use of facilities by a school of hope.
- Requires the DOE to selectively audit educational plant surveys.

The bill takes effect on July 1, 2025.

II. Present Situation:

Persistently Low-Performing Schools

Florida law defines a persistently low-performing school as a school that has earned three grades lower than a “C” in a least three of the previous five years that the school has received a school grade and has not earned a grade of “B” or higher the most recent two school years, or a school

that was closed within two years after a submission of a notice of intent to implement a district managed turnaround plan.¹ Based on 2023-2024 data, there are 51 Florida public schools identified as persistently low-performing schools.² All 51 schools are Title I schools, 50 schools served 100 percent economically disadvantaged students and 46 of the 51 schools were comprised of more than 75 percent minority students.³

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.⁴

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.⁵

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 or other charter school sponsor; the sponsor district approves the application; the applicants form a governing board that negotiates a contract with the sponsor; and the applicants and sponsor agree upon a charter or contract. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.⁶

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.⁷

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:⁸

- 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.

¹ Section 1002.333(1), F.S.

² Florida Department of Education, *2023-2024 Persistently Low-Performing Schools*, <https://www.fldoe.org/core/fileparse.php/18534/urlt/PLP24.xlsx> (last visited Mar. 27, 2025)..

³ *Id.*

⁴ 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>.

⁵ 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. 3, 2025). See also s. 1002.33(10), F.S.

⁶ 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). See also s. 1002.33(6), F.S.

⁷ *Id.*

⁸ *Id.*

- Contains an annual financial plan.

A school board or other sponsor is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.⁹ A charter school may be sponsored by any of the following:

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- A Florida College System institution approved by the DOE.

Florida law outlines the duties of charter school sponsors. The sponsor is required to monitor and review the charter school to ensure progress toward the goals established in the charter and to monitor revenues and expenditures of the charter school. The sponsor is also required to ensure that the charter school participates in the state's educational accountability system but is prohibited from applying its policies to a charter school or imposing additional reporting requirements except when the charter school is experiencing a deteriorating financial condition or emergency.¹⁰ The sponsor is required to submit to the DOE via a web-based format an annual report that includes the following:¹¹

- The number of applications for charter school received annually.
- The applicant's contact information.
- The date each application was approved, denied or withdrawn.
- The date each final contract was executed.

The DOE is required to compile an annual report by sponsor each year and post the report on the DOE website by January 15 of each year.

Florida law also provides for accountability of charter school sponsors that requires the DOE to develop a sponsor evaluation framework. At a minimum the framework is required to address the following:¹²

- The sponsor's vision toward charter school authorization and progress toward that vision.
- The alignment of sponsor policies and practices for charter school authorization and best practices.
- The academic and financial performance of charter schools overseen by the sponsor.
- The status of charters schools authorized by the sponsor.

The DOE is required to compile the results of the evaluations and publish the results as part of the required reporting of monitoring of charter schools.¹³

⁹ 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). See also s. 1002.33(6), F.S.

¹⁰ Section 1002.33(5), F.S.

¹¹ *Id.*

¹² Section 1002.33(5)(c), F.S.

¹³ *Id.*

Charter School Facilities

Florida law provides requirements and exceptions for charter schools regarding facilities. Startup charter school facilities are required to comply with the Florida building code but are not required to meet the State Requirements for Educational Facilities. Conversion charter schools are required to utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of those facilities.¹⁴

Local governing authorities cannot adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. Additionally, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools. If a school district has entered into an interlocal agreement for the development of its own schools, that agreement may be used by charter schools.¹⁵

Charter school facilities must comply with the Florida Fire Prevention Code, as adopted by the authority in whose jurisdiction the facility is located.¹⁶

Any facility, or portion of, used to house a charter school whose charter has been approved by the sponsor and its governing board is exempt from ad valorem taxes.¹⁷ Any library, community service, museum, performing arts, theater, cinema, or church facility; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or licensed child care facility may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.¹⁸

Charter school facilities are exempt from assessments of fees for building permits, except as provided in Florida law; fees for building and occupational licenses; impact fees or exactions; service availability fees; and assessments for special benefits.¹⁹

Florida law provides provisions if a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it is required to 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 may not sell or dispose of the property without written permission of the sponsor. 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 school can be charged by the district school board to the parents and teachers organizing the charter school. The charter school is required to agree to reasonable

¹⁴ Section 1002.33(18), F.S.

¹⁵ Section 1002.33(18), F.S.

¹⁶ Section 1002.33(18)(b), F.S.

¹⁷ Section 1002.33(18)(c), F.S.

¹⁸ *Id.*

¹⁹ Section 1002.33(18)(d), F.S.

maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion charter school are required to remain with the conversion school.²⁰

Each school district is required to annually provide to the DOE as part of its 5-year work plan the number of existing vacant classrooms in each school that the district does not intend to use or does not project will be needed for educational purposes for the following school year. The DOE may recommend that a district make that space available to an appropriate charter school.²¹

Schools of Hope

Schools of hope are charter schools operated by a hope operator which serves students from one or more persistently low-performing schools. These schools are located in the attendance zone or within a 5-mile radius of a persistently low-performing school, whichever is greater. Schools of hope are Title I eligible schools.²² There are currently 12 schools of hope operating in Florida.²³

A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families, and is designated by the State Board of Education (SBE) as a hope operator based on a determination that the past performance of the hope operator meets or exceeds the following criteria:²⁴

- The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate.
- The average college attendance rate of previously enrolled students at all schools currently operated by the operator exceeds 80 percent, if data is available.
- The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent.
- The operator is in good standing with the authorizer in each state in which it operates.
- The audited financial statements of the operator are free of material misstatements and going concern issues.
- Additional outcome measures as determined by the SBE.

Additionally, the hope operator is required to have been awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator. The hope operator must either be receiving funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools or has been selected by a district school board in accordance with Florida law.²⁵

²⁰ Section 1002.33(18)(e), F.S.

²¹ Section 1002.33(18)(g), F.S.

²² Florida Department of Education, *Schools of Hope*, <https://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Mar. 26, 2025).

²³ Email, Florida Department of Education, Legislative Affairs (Mar. 6, 2025).

²⁴ *Id.*

²⁵ Section 1002.333, F.S.

The five Florida designated hope operators are: Mater Academy, Redlands Christian Migrant Association (RCMA), Democracy Prep Public Schools, Inc., IDEA Public Schools, Success Academy, and KIPP New Jersey.²⁶

A hope operator must enter into a performance-based agreement with a school district in order to serve students from persistently low-performing schools or students residing in a Florida Opportunity Zone.²⁷ The performance-based agreement is required to include the following:

- The notice of intent, which is incorporated by reference and attached to the agreement.
- The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.
- The grades to be served in each year of the agreement and whether the school will serve children in the school readiness or prekindergarten programs.
- A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools and students residing in a Florida Opportunity Zone.
- Outline the current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.
- A description of the methods of involving parents.
- The grounds for termination.
- A provision allowing the hope operator to open additional schools.
- A provision establishing the initial term as 5 years.
- A requirement to provide transportation.
- A requirement that any debt incurred by the School of Hope from a source other than the state or a school district does not incur a liability for the state or school district.
- A provision that any loans, bonds, or other financial agreements are not obligations of the state or the school district.
- A prohibition on the pledge of credit or taxing power of the state or the school district.²⁸

A school of hope is required to provide the school district with a concise, uniform, quarterly financial statement summary that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance are required to be in the format prescribed by the Governmental Accounting Standards Board. Additionally, a school of hope is required to comply with the annual audit requirement for charter schools.²⁹

Florida law treats schools of hope in a consistent manner as other charter schools regarding facilities, however schools of hope are afforded the opportunity to use educational facilities deemed underused, vacant or surplus. The school of hope is allowed to use these facilities at no cost or at a mutually agreeable cost not to exceed \$600 per student.

²⁶ Florida Department of Education, *Schools of Hope*, <https://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Mar. 26, 2025).

²⁷ Section 1002.333(1), F.S. “Florida Opportunity Zone” means a population census tract that is a low-income community and that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code. Section 1002.333(1)(a), F.S.

²⁸ Section 1002.33(5), F.S.

²⁹ Section 1002.33(6)(h), F.S.

Educational Plant Survey

Florida law requires at least every 5 years, each Florida College System institution and state university board is required to arrange for an educational plant survey. The purpose of the plant survey is to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of local comprehensive plans.³⁰

The requirements address the following areas:

- Survey preparation and required data.
- Required need assessment criteria for district, Florida College System institution, state university, and Florida School for the Deaf and the Blind plant surveys.
- Review and validation of survey including the Florida Inventory of School Houses (FISH).
- Periodic update of the Florida Inventory of School Houses (FISH) survey by school districts.³¹

III. Effect of Proposed Changes:

SB 1702 modifies s. 1002.333, F.S., to establish and provide a definition for schools of hope of distinction as a school of hope that has not received a grade lower than a “B” in at least 2 consecutive years of published test scores. Currently, there are four schools of hope that would meet this criteria.

The bill adds an additional category of a persistently low-performing school by designating as persistently low-performing those schools that are in the bottom 10 percent of schools statewide for performance on the grade 3 statewide standardized English Language Arts assessment or the grade 4 statewide standardized mathematics assessment in at least 2 of the previous 3 years. The modification will greatly increase the number of schools being designated as persistently low-performing schools compared to the current 51 schools.

The bill clarifies that a nonprofit entity designated as a local education agency may directly report its students to the Department of Education (DOE).

The bill provides definitions for an “underused facility” and an “unused, vacant or surplus facility.” Additionally, the bill gives rights of usage to a school of hope of distinction to locate or co-locate to any unused, vacant or surplus facility or one marked for disposal. The bill allows a school of hope of distinction the use, operation, maintenance, and all facility-related noninstructional services at no cost, and removes a provision that placed responsibilities and costs of maintenance of facilities on the school of hope.

The bill modifies the requirements of the DOE to annually provide a list of underused facilities to include unused facilities as well. Additionally, the bill allows schools of hope and schools of hope of distinction to submit notices of intent to utilize underused, unused, vacant, or surplus facilities and mandates that the school district execute an agreement authorizing the use of

³⁰ Section 1013.31(1), F.S.

³¹ Section 1013.31(1)(a)-(d), F.S.

facilities at no cost. These requirements begin on June 1, 2026, for schools of hope and June 1, 2027, for schools of hope of distinction.

The bill modifies s. 1002.33, F.S., regarding charter school facilities by adding schools of hope of distinction to existing language regarding conversion charter schools and specifies that no rental or leasing fees be charged to the school, which would include both conversion charter schools and schools of hope of distinction. Schools of hope of distinction are added to a provision that allows the Public Education Capital Outlay maintenance funds to remain with the school.

The bill modifies s. 1013.31, F.S., to require the DOE to selectively audit the educational plant surveys of school districts and Florida College System institutions. The bill requires the State Board of Education to adopt rules regarding the audits.

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:

This bill could have an indeterminate fiscal impact for the DOE to complete the selective audits. In addition, the bill may result in a revenue loss to the districts that are required to meet the provisions of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not consider a school of hope that achieves the criteria for a school of hope of distinction—namely receiving two grades of “A” or “B” in two consecutive years—but then earns a “C” or lower after such designation. The bill does not indicate if such school maintains the specified facility and maintenance fund benefits.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33, 1002.333, and 1013.31

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.