

**By Senator Yarborough**

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22 Be It Enacted by the Legislature of the State of Florida:

24       Section 1. Paragraphs (b) and (e) of subsection (17),  
25 paragraphs (d) and (e) of subsection (18), paragraph (a) of  
26 subsection (25), and paragraph (d) of subsection (26) of section  
27 1002.33, Florida Statutes, are amended to read:

28 1002.33 Charter schools.—

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

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30 regardless of the sponsorship, shall be funded based upon the  
31 applicable program pursuant to s. 1011.62(1)(c), the same as  
32 students enrolled in other public schools in a school district.  
33 Funding for a charter lab school shall be as provided in s.  
34 1002.32.

35 (b)1. Funding for students enrolled in a charter school  
36 sponsored by a school district shall be the sum of the school  
37 district's operating funds from the Florida Education Finance  
38 Program as defined in s. 1011.61(4) and the General  
39 Appropriations Act, including gross state and local funds, and  
40 funds from the school district's current operating discretionary  
41 millage levy authorized under s. 1011.71(1) and (9); divided by  
42 total funded weighted full-time equivalent students in the  
43 school district; and multiplied by the weighted full-time  
44 equivalent students for the charter school. Charter schools  
45 whose students or programs meet the eligibility criteria in law  
46 are entitled to their proportionate share of categorical program  
47 funds included in the total funds available in the Florida  
48 Education Finance Program by the Legislature, including the  
49 student transportation allocation and the educational enrichment  
50 allocation. Total funding for each charter school shall be  
51 recalculated during the year to reflect the revised calculations  
52 under the Florida Education Finance Program by the state and the  
53 actual weighted full-time equivalent students reported by the  
54 charter school during the full-time equivalent student survey  
55 periods designated by the Commissioner of Education. For charter  
56 schools operated by a not-for-profit or municipal entity, any  
57 unrestricted current and capital assets identified in the  
58 charter school's annual financial audit may be used for other

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59 charter schools operated by the not-for-profit or municipal  
60 entity within the school district. For charter schools operated  
61 by a not-for-profit entity, any unrestricted current or capital  
62 assets identified in the charter school's annual audit may be  
63 used for other charter schools operated by the not-for-profit  
64 entity which are located outside of the originating charter  
65 school's school district, but within the state, through an  
66 unforgivable loan that must be repaid within 5 years to the  
67 originating charter school by the receiving charter school.  
68 Unrestricted current assets shall be used in accordance with s.  
69 1011.62, and any unrestricted capital assets shall be used in  
70 accordance with s. 1013.62(2).

71 2.a. Funding for students enrolled in a charter school  
72 sponsored by a state university or Florida College System  
73 institution pursuant to paragraph (5)(a) shall be provided in  
74 the Florida Education Finance Program as defined in s.  
75 1011.61(4) and as specified in the General Appropriations Act.  
76 The calculation to determine the amount of state funds includes  
77 the sum of the base Florida Education Finance Program  
78 established in s. 1011.62(1)(n), the discretionary millage  
79 compression supplement established in s. 1011.62(5), and the  
80 state-funded discretionary contribution established in s.  
81 1011.62(6). Charter schools whose students or programs meet the  
82 eligibility criteria in law are entitled to their proportionate  
83 share of categorical program funds included in the total funds  
84 available in the Florida Education Finance Program. The Florida  
85 College System institution or state university sponsoring the  
86 charter school shall be the fiscal agent for these funds, and  
87 all rules of the institution governing the budgeting and

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88 expenditure of state funds shall apply to these funds unless  
89 otherwise provided by law or rule of the State Board of  
90 Education.

91 (I) The nonvoted required local millage established  
92 pursuant to s. 1011.71(1) that would otherwise be required for  
93 the charter schools shall be allocated from state funds.

94 (II) An equivalent amount of funds for the operating  
95 discretionary millage authorized pursuant to s. 1011.71(1) shall  
96 be allocated to each charter school through a state-funded  
97 discretionary contribution established pursuant to s.  
98 1011.62(6).

99 (III) The comparable wage factor as provided in s.  
100 1011.62(2) shall be established as 1.000.

101 b. Total funding for each charter school shall be  
102 recalculated during the year to reflect the revised calculations  
103 under the Florida Education Finance Program by the state and the  
104 actual weighted full-time equivalent students reported by the  
105 charter school during the full-time equivalent student survey  
106 periods designated by the Commissioner of Education.

107 c. The Department of Education shall develop a tool that  
108 each state university or Florida College System institution  
109 sponsoring a charter school shall use for purposes of  
110 calculating the funding amount for each eligible charter school  
111 student. The total amount obtained from the calculation must be  
112 appropriated from state funds in the General Appropriations Act  
113 to the charter school.

114 d. Capital outlay funding for a charter school sponsored by  
115 a state university or Florida College System institution  
116 pursuant to paragraph (5)(a) is determined as follows: multiply

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117 the maximum allowable nonvoted discretionary millage under s.  
118 1011.71(2) by 96 percent of the current year's taxable value for  
119 school purposes for the district in which the charter school is  
120 located; divide the result by the total full-time equivalent  
121 student membership; and multiply the result by the full-time  
122 equivalent student membership of the charter school. The amount  
123 obtained shall be the discretionary capital improvement funds  
124 and shall be appropriated from state funds in the General  
125 Appropriations Act.

126 (e) Sponsors shall make timely and efficient payment and  
127 reimbursement to charter schools, including processing paperwork  
128 required to access special state and federal funding for which  
129 they may be eligible, including the timely review and  
130 reimbursement of federal grant funds. Payments of funds under  
131 paragraph (b) shall be made monthly or twice a month, beginning  
132 with the start of the sponsor's fiscal year. Each payment shall  
133 be one-twelfth, or one twenty-fourth, as applicable, of the  
134 total state and local funds described in paragraph (b) and  
135 adjusted as set forth therein. For the first 2 years of a  
136 charter school's operation, if a minimum of 75 percent of the  
137 projected enrollment is entered into the sponsor's student  
138 information system by the first day of the current month, the  
139 sponsor shall distribute funds to the school for the months of  
140 July through October based on the projected full-time equivalent  
141 student membership of the charter school as submitted in the  
142 approved application. If less than 75 percent of the projected  
143 enrollment is entered into the sponsor's student information  
144 system by the first day of the current month, the sponsor shall  
145 base payments on the actual number of student enrollment entered

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146 into the sponsor's student information system. Thereafter, the  
147 results of full-time equivalent student membership surveys shall  
148 be used in adjusting the amount of funds distributed monthly to  
149 the charter school for the remainder of the fiscal year. The  
150 payments shall be issued no later than 10 working days after the  
151 sponsor receives a distribution of state or federal funds or the  
152 date the payment is due pursuant to this subsection. With  
153 respect to federal grant funds submitted for reimbursement, the  
154 sponsor shall have 60 calendar days from the date of the  
155 submission to reimburse the charter school if the submission  
156 provides all the necessary information to qualify for  
157 reimbursement. If a warrant for payment is not issued within 10  
158 working days after receipt of funding by the sponsor or within  
159 60 calendar days after an approved submittal for reimbursement  
160 of federal grant funds, the sponsor shall pay to the charter  
161 school, in addition to the amount of the scheduled disbursement,  
162 interest at a rate of 1 percent per month calculated on a daily  
163 basis on the unpaid balance from the expiration of the 10  
164 working days or 60 calendar days for the reimbursement of  
165 federal grant funds, until such time as the warrant is issued.  
166 The district school board may not delay payment to a charter  
167 school of any portion of the funds provided in paragraph (b),  
168 including any funds from the school district's current operating  
169 discretionary millage levy authorized under s. 1011.71(1) and  
170 (9), based on the timing of receipt of local funds by the  
171 district school board.

172 (18) FACILITIES.—

173 (d) Any facility, or portion thereof, used to house a  
174 charter school whose charter has been approved by the sponsor

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175 and the governing board pursuant to subsection (7) is ~~Charter~~  
176 ~~school facilities~~ are exempt from assessments of fees for  
177 building permits, except as provided in s. 553.80; fees for  
178 building and occupational licenses; impact fees or exactions;  
179 service availability fees; and assessments for special benefits.

180 (e) If a district school board facility or property is  
181 available because it is surplus, marked for disposal, or  
182 otherwise unused, it shall be provided for a charter school's  
183 use on the same basis as it is made available to other public  
184 schools in the district. A charter school receiving property  
185 from the sponsor may not sell or dispose of such property  
186 without written permission of the sponsor. Similarly, for an  
187 existing public school converting to charter status, a district  
188 school board may not charge rental or leasing fees for the  
189 existing facility or for the property normally inventoried to  
190 the conversion school to the parents, principal, school advisory  
191 council, or teachers organizing the charter school. The  
192 municipality must negotiate rental or leasing fees with the  
193 district school board. Property normally inventoried to the  
194 school may not be removed. The charter school shall agree to  
195 reasonable maintenance provisions in order to maintain the  
196 facility in a manner similar to district school board standards.  
197 The Public Education Capital Outlay maintenance funds or any  
198 other maintenance funds generated by the facility operated as a  
199 conversion school or allocated to the facility operated as a  
200 conversion school under s. 1013.62 shall remain with the  
201 conversion school.

202 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
203 SCHOOL SYSTEMS.—

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(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 all of the following:

1. Has all schools located in the same county;
2. Has a total enrollment exceeding the total enrollment of  
    east 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 the charter school was established pursuant to paragraph (15)(c) or the landlord is either a nonprofit, tax-exempt entity whose mission includes supporting the charter school, or 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

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233 1013.62, Florida Statutes, are amended to read:

234 1013.62 Charter schools capital outlay funding.—

235 (1) Charter school capital outlay funding shall consist of  
236 state funds when such funds are appropriated in the General  
237 Appropriations Act and revenue resulting from the discretionary  
238 millage authorized in s. 1011.71(2).

239 (a) To be eligible to receive capital outlay funds, a  
240 charter school must:

241 1.a. Have been in operation for 2 or more years;

242 b. Be governed by a governing board established in the  
243 state for 2 or more years which operates both charter schools  
244 and conversion charter schools within the state;

245 c. Be an expanded feeder chain of a charter school within  
246 the same school district that is currently receiving charter  
247 school capital outlay funds;

248 d. Have been accredited by a regional accrediting  
249 association as defined by State Board of Education rule;

250 e. Serve students in facilities that are provided by a  
251 business partner for a charter school-in-the-workplace pursuant  
252 to s. 1002.33(15)(b); or

253 f. Be operated by a hope operator pursuant to s. 1002.333.

254 2. Have an annual audit that does not reveal any of the  
255 financial emergency conditions provided in s. 218.503(1) for the  
256 most recent fiscal year for which such audit results are  
257 available.

258 3. Have not earned two consecutive grades of "F," three  
259 consecutive grades below a "C," or two consecutive school  
260 improvement ratings of "Unsatisfactory."

261 4. Have received final approval from its sponsor pursuant

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262 to s. 1002.33 for operation during that fiscal year.

263 5. ~~Serve students in facilities that are not provided by~~  
264 ~~the charter school's sponsor.~~

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

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

271 1. ~~It was created by the conversion of a public school and~~  
272 ~~operates in facilities provided by the charter school's sponsor~~  
273 ~~for a nominal fee, or at no charge, or if it is directly or~~  
274 ~~indirectly operated by the school district;~~

275 2. It is a developmental research (laboratory) school that  
276 receives state funding for capital improvement purposes pursuant  
277 to s. 1002.32(9)(d);

278 2.3. A member of the governing board, or his or her family  
279 member as defined in s. 440.13(1)(b), has an interest in or is  
280 an employee of the lessor, excluding charter schools operating  
281 pursuant to s. 1002.33(15) and charter schools whose lessor or  
282 property owner is a nonprofit, tax-exempt entity whose mission  
283 includes supporting the school or a limited liability company  
284 whose sole member is the charter school; or

285 3.4. It is a Florida College System institution or state  
286 university sponsored charter school that receives state funding  
287 for capital improvement purposes pursuant to s.  
288 1002.33(17)(b)2.d.

289 (3) If the school board levies the discretionary millage  
290 authorized in s. 1011.71(2), the department shall use the

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291 following calculation methodology to determine the amount of  
292 revenue that a school district must distribute to each eligible  
293 charter school:

294 (b) Divide the school district's adjusted discretionary  
295 millage revenue by the district's total capital outlay full-time  
296 equivalent membership, not to include any full-time equivalent  
297 membership of eligible charter schools, and the total number of  
298 full-time equivalent students of each eligible charter school to  
299 determine a capital outlay allocation per full-time equivalent  
300 student.

301 (d) ~~If applicable, reduce the capital outlay allocation~~  
302 ~~identified in paragraph (c) by the total amount of state funds~~  
303 ~~allocated to each eligible charter school in subsection (2) to~~  
304 ~~determine the maximum calculated capital outlay allocation.~~ The  
305 amount of funds a school district must distribute to charter  
306 schools shall be as follows:

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

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

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

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

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

318  
319 By October 1 of each year, each school district shall certify to

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320 the department the amount of debt service and participation  
321 requirement that complies with the requirement of paragraph (a)  
322 and can be reduced from the total discretionary millage revenue.  
323 The Auditor General shall verify compliance with the  
324 requirements of paragraph (a) and s. 1011.71(2)(e) during  
325 scheduled operational audits of school districts.

326 (4) A charter school's governing body may use charter  
327 school capital outlay funds for the following purposes:

328 (e) Renovation, repair, and maintenance of school  
329 facilities that the charter school owns or is purchasing through  
330 a lease-purchase, occupies under a or long-term lease of 5 years  
331 or longer, or has agreed to maintain under a mutual management  
332 plan with the charter school's sponsor.

333  
334 Any purchase, lease-purchase, or lease made pursuant to this  
335 subsection must be at the appraised value. For purposes of this  
336 subsection, the term "appraised value" means the fair market  
337 value as determined by an independent, Florida-licensed,  
338 qualified appraiser selected by the governing board.

339 Documentation of the appraised value shall be provided to the  
340 department upon its request. Conversion charter schools may use  
341 capital outlay funds received through the reduction in the  
342 administrative fee provided in s. 1002.33(20) for renovation,  
343 repair, and maintenance of school facilities that are owned by  
344 the sponsor.

345 Section 3. This act shall take effect July 1, 2026.