A bill to be entitled

An act relating to conversion charter schools; amending s. 1002.33, F.S.; providing that specified mediation requirements apply to disputes between a district school board and conversion charter school regarding mutual management plans; amending s. 1013.62, F.S.; authorizing conversion charter schools that meet specified criteria to be eligible for capital outlay funding; providing an effective date.

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

Section 1. Paragraph (a) of subsection (18) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(18) FACILITIES.—

(a)1. A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall 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 such facilities. The mutual management plan shall contain a provision by which the district school

board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Any dispute regarding the mutual management plan shall be resolved pursuant to paragraph (7)(b). Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37.

2. The local governing authority may not adopt, impose, or enforce any local building requirements, site-development restrictions, or operational requirements that impact parking and site-size criteria, student enrollment and capacity, hours of operation, and occupant load:

a. That are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code; or

b. That are not uniformly imposed or enforced by the local governing authority upon public schools within the jurisdiction of the local governing authority.

3. 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, including such provisions that are established by interlocal agreement, development order, or development permit. An interlocal agreement entered into by a

school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools. A charter school may not be subject to any land use regulation requiring a change to a local government comprehensive plan or requiring a development order or development permit, as those terms are defined in s. 163.3164, or any requirement or restriction that would not be required for a public or private school in the same location or a location on which a public or private school has previously been permitted. A local governing authority may not apply or enforce a condition against a charter school unless the condition is uniformly applied to other public schools within the jurisdiction of the local governing authority and the charter school is located on property that is the subject of a previously approved development order or development permit, and if such development order or development permit contains conditions applicable to the construction or operation of a public or private school, including, but not limited to:

a. Limits on the number of students;

b. Limits on the number of teachers;

c. Limits on the number of classrooms;

d. Limits on the hours of operation;

e. Minimum outdoor recreation area; or

f. Requirements to conform to a prior plan of development.

4. The agency having jurisdiction for inspection of a

facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. A charter school that meets the requirements of state law consistent with the requirements of this subsection shall be administratively approved by the local governing authority. If a local governing authority refuses to comply with this subsection, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights. An aggrieved party that prevails in such an action may be awarded attorney fees and court costs.

Section 2. Subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

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

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

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

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

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter

school capital outlay funds;

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

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

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

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

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

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5.a. Serve students in facilities that are not provided by the charter school's sponsor; or

b. Serve students in facilities that are provided by the charter school's sponsor if the charter school is a conversion charter school that:

(I) Has entered into a mutual management plan under which the conversion charter school is fully responsible for the repair and maintenance of the facility for the duration of the charter; and

(II) Agrees to use the funds provided pursuant to this section solely for the renovation, repair, and maintenance of such facility.

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

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

1. It was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district, unless the conversion charter school meets the requirements of sub-sub-subparagraphs (a)5.b.(I) and (II);

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

3. A member of the governing board, or his or her family member as defined in s. 440.13(1)(b), has an interest in or is an employee of the lessor, excluding charter schools operating pursuant to s. 1002.33(15); or

4. It is a Florida College System institution or state university sponsored charter school that receives state funding for capital improvement purposes pursuant to s.

1002.33(17)(b)2.d.

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