

# **Bond Case Briefs**

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## **SCHOOL FINANCE - FLORIDA**

### **School Board of Collier County v. Florida Department of Education**

**District Court of Appeal of Florida, First District - August 29, 2019 - So.3d - 2019 WL 4062529**

School boards brought action against Department of Education, Board of Education, and Commissioner of Education for declaratory and injunctive relief, alleging that statutes requiring, among other things, distribution of capital millage revenues to charter schools violated school boards' state constitutional right to operate, control, and supervise all free public schools.

School boards moved and state defendants cross-moved for summary judgment. The Circuit Court determined that school boards had standing to challenge validity of statutes, but granted summary judgment in favor of state defendants. School boards appealed and state defendants cross-appealed.

The District Court of Appeal held that:

- School boards lacked standing to challenge statutory provisions creating independent charter schools, requiring charter contracts, and restricting ability to improve low-performing schools;
- Provisions requiring distribution of capital millage revenue to charter schools were permissible exercise of legislature's supervisory power;
- Provisions requiring distribution of federal funds to charter schools were permissible exercise of constitutional responsibility to ensure adequate education; and
- Capital millage distribution statutes were not an unconstitutional state ad valorem tax.

School boards lacked standing, under public official standing doctrine, to challenge the constitutionality of statutory provisions that allegedly created independent charter schools, required school boards to enter into standard charter contract with charter school operators, and divested school boards of authority to decide how best to improve low-performing schools; school boards were required to presume statute was constitutional, statute did not prevent school boards from providing students with an education, and school boards' constitutional claims were mere disagreements with new statutory duties.

Statutes requiring school boards to distribute a portion of capital millage revenue to charter schools were permissible exercise of legislature's supervisory power to ensure adequate provision be made for free public schools, including charter schools, despite contention that state constitution required school funding decisions to be made by local elected officials; state constitution contemplated that state educational authorities could infringe on school boards' local powers pursuant to supervisory authority, and statute provided that funds distributed to a charter school, as well as property purchased with such funds, would revert to school board ownership upon charter school's termination or nonrenewal.

Statutory provisions requiring school boards to distribute federal funds for low-income students to eligible charter schools in their districts were permissible exercise of state educational authorities'

constitutional responsibility to ensure the adequate provision of education for all children in public schools, including charter schools, despite contention that statutes divested school boards of their right to determine how to spend the funds; school boards did not have any constitutional right to federal funds for low-income students.

Statutes requiring school boards to distribute capital millage to charter schools within their districts were not an unconstitutional state ad valorem tax; millage taxes were local, charter schools served local purpose of the education of children, and school boards played a role in operating charter schools.