

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Education & Employment
2 Committee

3 Representative Rizo offered the following:

Amendment (with directory and title amendments)

6 Remove lines 405-469 and insert:

7 restrictions, and site planning processes imposed upon public
8 schools that are not charter schools, including such provisions
9 that are established by interlocal agreement. An interlocal
10 agreement entered into by a school district for the development
11 of only its own schools, including provisions relating to the
12 extension of infrastructure, may be used by charter schools. A
13 charter school may not be subject to any land use regulation
14 requiring a change to a local government comprehensive plan or
15 requiring a development order or development permit, as those
16 terms are defined in s. 163.3164, that would not be required for

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17 a public school in the same location. The agency having
18 jurisdiction for inspection of a facility and issuance of a
19 certificate of occupancy or use shall be the local municipality
20 or, if in an unincorporated area, the county governing
21 authority. If a public ~~an~~ official or employee, or ~~of~~ the local
22 governing authority, refuses to comply with this paragraph, the
23 aggrieved school or entity, or a charter school membership
24 association or charter management organization, has standing and
25 an immediate right to bring an expedited action in circuit court
26 to enforce its rights by a declaratory action, including
27 injunctive relief injunction. ~~A~~ ~~An aggrieved~~ party that receives
28 declaratory injunctive relief may be awarded attorney fees and
29 court costs.

30 (c) Any facility, or portion thereof, used to house a
31 charter school whose charter has been approved by the sponsor
32 and the governing board, pursuant to subsection (7), ~~is shall be~~
33 exempt from ad valorem taxes pursuant to s. 196.1983. Any
34 library, community service, museum, performing arts, theatre,
35 cinema, church, or college facility; any facility or land owned
36 by a Florida College System institution ~~or, college, and~~
37 university; any similar public institutional facilities; and any
38 facility recently used to house a school or a child care
39 facility licensed under s. 402.305 may provide space to charter
40 schools within their facilities under their preexisting zoning

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41 and land use designations without obtaining a special exception,
42 rezoning, or a land use change.

43 (f) To the extent that charter school facilities are
44 specifically created to mitigate the educational impact created
45 by the development of new residential dwelling units, pursuant
46 to subparagraph (2)(c)4., a proportionate share of costs per
47 student station ~~some of or all of the~~ educational impact fees
48 required to be paid in connection with the new residential
49 dwelling units must ~~may~~ be designated ~~instead~~ for the
50 construction of the charter school facilities that will mitigate
51 the student station impact, including charter school facilities
52 described in subparagraph (10)(e)7. Such facilities shall be
53 built to the State Requirements for Educational Facilities and
54 shall be owned by a public or nonprofit entity. The local school
55 district retains the right to monitor and inspect such
56 facilities to ensure compliance with the State Requirements for
57 Educational Facilities. If a facility ceases to be used for
58 public educational purposes, either the facility shall revert to
59 the school district subject to any debt owed on the facility, or
60 the owner of the facility shall have the option to refund all
61 educational impact fees utilized for the facility to the school
62 district. The district and the owner of the facility may
63 contractually agree to another arrangement for the facilities if
64 the facilities cease to be used for educational purposes. The
65 owner of property planned or approved for new residential

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66 dwelling units and the entity levying educational impact fees
67 shall enter into an agreement that designates the educational
68 impact fees that will be allocated for the charter school
69 student stations and that ensures the timely construction of the
70 charter school student stations concurrent with the expected
71 occupancy of the residential units. The application for use of
72 educational impact fees shall include an approved charter school
73 application. To assist the school district in forecasting
74 student station needs, the entity levying the impact fees shall
75 notify the affected district of any agreements it has approved
76 for the purpose of mitigating student station impact from the
77 new residential dwelling units. Any entity contributing toward
78 the construction of such facilities shall receive a credit
79 toward any impact fees or exactions imposed for public
80 educational facilities to the extent that the entity has not
81 received credit for such contribution pursuant to s.
82 163.3180(6)(h)2.

83 (20) SERVICES.—

84 (a)1. A sponsor shall provide certain administrative and
85 educational services to charter schools. These services shall
86 include contract management services; full-time equivalent and
87 data reporting services; exceptional student education
88 administration services; services related to eligibility and
89 reporting duties required to ensure that school lunch services
90 under the National School Lunch Program, consistent with the

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91 needs of the charter school, are provided by the sponsor at the
92 request of the charter school, that any funds due to the charter
93 school under the National School Lunch Program be paid to the
94 charter school as soon as the charter school begins serving food
95 under the National School Lunch Program, and that the charter
96 school is paid at the same time and in the same manner under the
97 National School Lunch Program as other public schools serviced
98 by the sponsor or the school district; test administration
99 services, including payment of the costs of state-required or
100 district-required student assessments; processing of teacher
101 certificate data services; and information services, including
102 equal access to the sponsor's student information systems that
103 are used by public schools in the district in which the charter
104 school is located or by schools in the sponsor's portfolio of
105 charter schools if the sponsor is not a school district. Student
106 performance data for each student in a charter school,
107 including, but not limited to, FCAT scores, standardized test
108 scores, previous public school student report cards, and student
109 performance measures, shall be provided by the sponsor to a
110 charter school in the same manner provided to other public
111 schools in the district or by schools in the sponsor's portfolio
112 of charter schools if the sponsor is not a school district.

113 2. A sponsor may withhold an administrative fee for the
114 provision of such services which shall be a percentage of the
115 available funds defined in paragraph (17)(b) calculated based on

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116 weighted full-time equivalent students. If the charter school
117 serves 75 percent or more exceptional education students as
118 defined in s. 1003.01(3), the percentage shall be calculated
119 based on unweighted full-time equivalent students. The
120 administrative fee shall be calculated as follows:

121 a. Up to 5 percent for:

122 (I) Enrollment of up to and including 250 students in a
123 charter school as defined in this section.

124 (II) Enrollment of up to and including 500 students within
125 a charter school system which meets all of the following:

126 (A) Includes conversion charter schools and nonconversion
127 charter schools.

128 (B) Has all of its schools located in the same county.

129 (C) Has a total enrollment exceeding the total enrollment
130 of at least one school district in this state.

131 (D) Has the same governing board for all of its schools.

132 (E) Does not contract with a for-profit service provider
133 for management of school operations.

134 (III) Enrollment of up to and including 250 students in a
135 virtual charter school.

136 b. Up to 2 percent for enrollment of up to and including
137 250 students in a high-performing charter school as defined in
138 s. 1002.331.

139 c. Up to 2 percent for enrollment of up to and including
140 250 students in an exceptional student education center that

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141 meets the requirements of the rules adopted by the State Board
142 of Education pursuant to s. 1008.3415(3).

143 3. A sponsor may not charge charter schools any additional
144 fees or surcharges for administrative and educational services
145 in addition to the maximum percentage of administrative fees
146 withheld pursuant to this paragraph. A sponsor may not charge or
147 withhold any administrative fee against a charter school for any
148 funds specifically allocated by the Legislature for teacher
149 compensation.

150 4. A sponsor shall provide to the department by September
151 15 of each year the total amount of funding withheld from
152 charter schools pursuant to this subsection for the prior fiscal
153 year. The department must include the information in the report
154 required under sub-sub-subparagraph (5)(b)1.k.(III).

155 -----
156
157 **D I R E C T O R Y A M E N D M E N T**

158 Remove lines 89-90 and insert:
159 of subsection (8), paragraph (p) of subsection (9), paragraphs
160 (a), (c), and (f) of subsection (18), and paragraph (a) of
161 subsection (20) of section

162 -----
163
164 **T I T L E A M E N D M E N T**

165 Remove lines 41-52 and insert:

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166 | communications media technology; authorizing charter
167 | schools to use certain interlocal agreements;
168 | prohibiting a charter school from being subject to
169 | certain land use regulations if such regulations would
170 | not be required for certain public schools; exempting
171 | specified property from certain ad valorem taxes;
172 | providing that any facility may provide space to
173 | charter schools under its existing zoning and land use
174 | designations without obtaining a special exception,
175 | rezoning, or a land use change; requiring a specified
176 | proportionate share of certain educational impact fees
177 | to be designated for the construction of certain
178 | charter school facilities; providing credits toward
179 | certain impact fees or exactions for certain entities;
180 | providing that a sponsor may not charge or withhold
181 | administrative fees for certain allocations; requiring
182 | the Office of Program
183 |