

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

Representative(s) Ritter offered the following:

Amendment (with title amendment)

On page 34, line 5 through page 38, line 23
remove all of said lines

and insert:

(d) Any charter school to be newly constructed shall
be a new public educational facility for purposes of s.
235.193(5) and (6).

(19)(18) INITIAL COSTS.--A sponsor may approve a
charter for a charter school before the applicant has secured
space, equipment, or personnel, if the applicant indicates
approval is necessary for it to raise working capital.

(20)(19) INFORMATION.--The Department of Education
shall provide information to the public, directly and through
sponsors, both on how to form and operate a charter school and
on how to enroll in charter schools once they are created.
This information shall include a standard application format
which shall include the information specified in subsection
(9). This application format may be used by chartering

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 entities.

2 (21)~~(20)~~ GENERAL AUTHORITY.--A charter school shall
3 not levy taxes or issue bonds secured by tax revenues.

4 (22)~~(21)~~ REVIEW.--

5 (a) The Department of Education shall regularly
6 convene a Charter School Review Panel in order to review
7 issues, practices, and policies regarding charter schools. The
8 composition of the review panel shall include individuals with
9 experience in finance, administration, law, education, and
10 school governance, and individuals familiar with charter
11 school construction and operation. The panel shall include two
12 appointees each from the Commissioner of Education, the
13 President of the Senate, and the Speaker of the House of
14 Representatives. The Governor shall appoint three members of
15 the panel and shall designate the chair. Each member of the
16 panel shall serve a 1-year term, unless renewed by the office
17 making the appointment. The panel shall make recommendations
18 to the Legislature, to the Department of Education, to charter
19 schools, and to school districts for improving charter school
20 operations and oversight and for ensuring best business
21 practices at and fair business relationships with charter
22 schools.

23 (b) The Legislature shall review the operation of
24 charter schools during the 2005 Regular Session of the
25 Legislature.

26 (23)~~(22)~~ RULEMAKING.--The Department of Education,
27 after consultation with school districts and charter school
28 directors, shall recommend that the State Board of Education
29 adopt rules to implement specific subsections of this section.
30 Such rules shall require minimum paperwork and shall not limit
31 charter school flexibility authorized by statute.

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 ~~(24)~~~~(23)~~ CHARTER SCHOOLS-IN-THE-WORKPLACE, CHARTER
2 SCHOOLS-IN-A-DEVELOPMENT, AND CHARTER SCHOOLS
3 IN-A-MUNICIPALITY.--

4 (a) In order to increase business partnerships in
5 education, to reduce school and classroom overcrowding
6 throughout the state, to encourage developers of residential
7 and other projects to provide school infrastructure concurrent
8 with school impacts, to promote and encourage local
9 communities to participate in and advance the cause of
10 neighborhood schools, and to offset the high costs for
11 educational facilities construction, the Legislature intends
12 to encourage the formation of business partnership schools or
13 satellite learning centers through charter school status.

14 (b) A charter school-in-the-workplace may be
15 established when a business partner provides the school
16 facility to be used; enrolls students based upon a random
17 lottery which involves all of the children of employees of
18 that business or corporation who are seeking enrollment, as
19 provided for in subsection ~~(8)~~~~(6)~~; and enrolls students
20 according to the racial/ethnic balance provisions described in
21 subparagraph ~~(11)~~~~(a)~~~~8.~~~~(9)~~~~(a)~~~~8~~. Any portion of a facility used
22 for a public charter school shall be exempt from ad valorem
23 taxes, as provided for in s. 235.198, for the duration of its
24 use as a public school.

25 (c) A charter school-in-a-municipality designation may
26 be granted to a municipality that possesses a charter; enrolls
27 students based upon a random lottery that involves all of the
28 children of the residents of that municipality who are seeking
29 enrollment, as provided for in subsection ~~(8)~~~~(6)~~; and enrolls
30 students according to the racial/ethnic balance provisions
31 described in subparagraph ~~(11)~~~~(a)~~~~8.~~~~(9)~~~~(a)~~~~8~~. Any portion of

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 the land and facility used for a public charter school shall
2 be exempt from ad valorem taxes, as provided for in s.
3 235.198, for the duration of its use as a public school.

4 (d) As used in this subsection, the terms "business
5 partner," "employer," "developer," or "municipality" may
6 include more than one business, employer, developer, or
7 municipality to form a charter school-in-the-workplace,
8 charter school-in-a-development, or charter
9 school-in-a-municipality.

10 Section 2. Subsections (1) and (5) of section
11 228.0561, Florida Statutes, are amended to read:

12 228.0561 Charter schools capital outlay funding.--

13 (1) In each year in which funds are appropriated for
14 charter school capital outlay purposes, the Commissioner of
15 Education shall allocate the funds among eligible charter
16 schools. To be eligible for a funding allocation, a charter
17 school must meet the provisions of subsection (6), must have
18 received final approval from its sponsor pursuant to s.
19 228.056 for operation during that fiscal year, and must serve
20 students in facilities that are not provided by the charter
21 school's sponsor. Prior to the release of capital outlay
22 funds to a school district on behalf of the charter school,
23 the Department of Education shall ensure that the district
24 school board and the charter school governing board enter into
25 a written agreement that includes provisions for the reversion
26 of any unencumbered funds and all equipment and property
27 purchased with public education funds to the ownership of the
28 district school board, as provided for in subsection (3), in
29 the event that the school terminates operations. Any funds
30 recovered by the state shall be deposited in the General
31 Revenue Fund. A charter school is not eligible for a funding

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 allocation if it was created by the conversion of a public
2 school and operates in facilities provided by the charter
3 school's sponsor for a nominal fee or at no charge or if it is
4 directly or indirectly operated by the school district. Unless
5 otherwise provided in the General Appropriations Act, the
6 funding allocation for each eligible charter school shall be
7 determined by multiplying the school's projected student
8 enrollment by one-fifteenth of the cost-per-student station
9 specified in s. 235.435(6)(b) for an elementary, middle, or
10 high school, as appropriate. If the funds appropriated are
11 not sufficient, the commissioner shall prorate the available
12 funds among eligible charter schools. A dedicated funding
13 source, if identified in writing by the Commissioner of
14 Education and submitted along with the annual charter school
15 legislative budget request, may be considered an additional
16 source of funding.Funds shall be distributed on the basis of
17 the capital outlay full-time equivalent membership by grade
18 level, which shall be calculated by averaging the results of
19 the second and third enrollment surveys. The Department of
20 Education shall distribute capital outlay funds monthly,
21 beginning in the first quarter of the fiscal year, based on
22 one-twelfth of the amount the department reasonably expects
23 the charter school to receive during that fiscal year. The
24 commissioner shall adjust subsequent distributions as
25 necessary to reflect each charter school's actual student
26 enrollment as reflected in the second and third enrollment
27 surveys. The commissioner shall establish the intervals and
28 procedures for determining the projected and actual student
29 enrollment of eligible charter schools.

30 (5) The annual legislative budget request of the
31 Department of Education shall include a request for capital

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 outlay funding for charter schools. The request shall be
 2 based on the projected number of students to be served in
 3 charter schools who meet the eligibility requirements of this
 4 section. This budget request may also be accompanied by a
 5 written statement from the Commissioner of Education
 6 requesting that a dedicated funding source identified by the
 7 commissioner be used to supplement that year's charter school
 8 funding.

9 Section 3. Subsection (5) of section 235.193, Florida
 10 Statutes, is amended to read:

11 235.193 Coordination of planning with local governing
 12 bodies.--

13 (5) As early in the design phase as feasible, but at
 14 least before commencing construction of a new public
 15 educational facility, including a charter school, the local
 16 governing body that regulates the use of land shall determine,
 17 in writing within 90 days after receiving the necessary
 18 information and a school board's request or charter school
 19 governing body's request for a determination, whether a
 20 proposed public educational facility is consistent with the
 21 local comprehensive plan and local land development
 22 regulations, to the extent that the regulations are not in
 23 conflict with or the subject regulated is not specifically
 24 addressed by this chapter or the State Uniform Building Code,
 25 unless mutually agreed. If the determination is affirmative,
 26 school construction may proceed and further local government
 27 approvals are not required, except as provided in this
 28 section. Failure of the local governing body to make a
 29 determination in writing within 90 days after a school board's
 30 request or charter school governing body's request for a
 31 determination of consistency shall be considered an approval

hbd-38

Bill No. CS/HB 1665, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 of the school board's application or charter school governing
2 body's application.

3
4

5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, lines 22-27,
8 remove all of said lines

9

10 and insert:

11 availability fees; providing that a charter
12 school to be newly constructed shall be a
13 public educational facility for purposes of
14 site plan review; amending s. 228.0561, F.S.,
15 relating to charter school capital outlay
16 funding; allowing the Commissioner of Education
17 to identify an additional funding source that
18 may be considered by the Legislature in
19 allocating funding in a given year; amending s.
20 235.193, F.S.; providing that a proposed
21 charter school shall be considered a public
22 educational facility with respect to site plan
23 review; providing

24
25
26
27
28
29
30
31