

By the Committee on Education; and Senator Diaz de la Portilla

304-2517-03

1 A bill to be entitled
2 An act relating to educational facilities
3 benefit districts and community development
4 districts; amending s. 1002.33, F.S.;
5 prescribing that such districts may apply to
6 convert a group of public schools to charter
7 schools; amending s. 1013.355, F.S.;
8 prescribing additional purposes of educational
9 facilities benefit districts; providing for
10 appeal of certain school board decisions;
11 providing for creation of such districts by
12 general-purpose governments; amending s.
13 1013.356, F.S.; expanding the purpose and
14 funding for educational facilities benefit
15 districts and community development districts;
16 authorizing leases for use of land or
17 facilities; providing an effective date.

18

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

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21 Section 1. Subsections (3) and (10) of section
22 1002.33, Florida Statutes, are amended to read:

23

1002.33 Charter schools.--

24

(3) APPLICATION FOR CHARTER STATUS.--

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(a) An application for a new charter school may be
26 made by an individual, teachers, parents, a group of
27 individuals, a municipality, or a legal entity organized under
28 the laws of this state.

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(b) An application for a conversion charter school
30 shall be made by the district school board, the principal,
31 teachers, parents, and/or the school advisory council at an

1 existing public school that has been in operation for at least
2 2 years prior to the application to convert, including a
3 public school-within-a-school that is designated as a school
4 by the district school board, or by an educational facilities
5 benefit district or a community development district. An
6 application submitted proposing to convert an existing public
7 school to a charter school shall demonstrate the support of at
8 least 50 percent of the teachers employed at the school and 50
9 percent of the parents voting whose children are enrolled at
10 the school, provided that a majority of the parents eligible
11 to vote participate in the ballot process, according to rules
12 adopted by the State Board of Education. A district school
13 board denying an application for a conversion charter school
14 shall provide notice of denial to the applicants in writing
15 within 30 days after the meeting at which the district school
16 board denied the application. The notice must specify the
17 exact reasons for denial and must provide documentation
18 supporting those reasons. A private school, parochial school,
19 or home education program shall not be eligible for charter
20 school status.

21 (c) An application for the conversion of a group of
22 public schools to charter schools may be made by an
23 educational facilities benefit district or community
24 development district as provided in s. 1013.355 for schools
25 contained within the boundaries of the educational facilities
26 benefit district or the community development district.

27 (10) ELIGIBLE STUDENTS.--

28 (a) A charter school shall be open to any student
29 covered in an interdistrict agreement or residing in the
30 school district in which the charter school is located;
31 however, in the case of a charter lab school, the charter lab

1 school shall be open to any student eligible to attend the lab
2 school as provided in s. 1002.32 or who resides in the school
3 district in which the charter lab school is located. Any
4 eligible student shall be allowed interdistrict transfer to
5 attend a charter school when based on good cause.

6 (b) The charter school shall enroll an eligible
7 student who submits a timely application, unless the number of
8 applications exceeds the capacity of a program, class, grade
9 level, or building. In such case, all applicants shall have an
10 equal chance of being admitted through a random selection
11 process.

12 (c) When a public school converts to charter status,
13 enrollment preference shall be given to students who would
14 have otherwise attended that public school.

15 (d) A charter school may give enrollment preference to
16 the following student populations:

17 1. Students who are siblings of a student enrolled in
18 the charter school.

19 2. Students who are the children of a member of the
20 governing board of the charter school.

21 3. Students who are the children of an employee of the
22 charter school.

23 (e) A charter school may limit the enrollment process
24 only to target the following student populations:

25 1. Students within specific age groups or grade
26 levels.

27 2. Students considered at risk of dropping out of
28 school or academic failure. Such students shall include
29 exceptional education students.

30 3. Students enrolling in a charter
31 school-in-the-workplace or charter school-in-a-municipality

1 established pursuant to subsection (16) or in a charter school
2 located within an educational facilities benefit district or
3 community development district.

4 4. Students residing within a reasonable distance of
5 the charter school, as described in paragraph (21)(c). Such
6 students shall be subject to a random lottery and to the
7 racial/ethnic balance provisions described in subparagraph
8 (7)(a)8. or any federal provisions that require a school to
9 achieve a racial/ethnic balance reflective of the community it
10 serves or within the racial/ethnic range of other public
11 schools in the same school district.

12 5. Students who meet reasonable academic, artistic, or
13 other eligibility standards established by the charter school
14 and included in the charter school application and charter or,
15 in the case of existing charter schools, standards that are
16 consistent with the school's mission and purpose. Such
17 standards shall be in accordance with current state law and
18 practice in public schools and may not discriminate against
19 otherwise qualified individuals.

20 6. Students articulating from one charter school to
21 another pursuant to an articulation agreement between the
22 charter schools that has been approved by the sponsor.

23 (f) Students with handicapping conditions and students
24 served in English for Speakers of Other Languages programs
25 shall have an equal opportunity of being selected for
26 enrollment in a charter school.

27 (g) A student may withdraw from a charter school at
28 any time and enroll in another public school as determined by
29 district school board rule.

30 (h) The capacity of the charter school shall be
31 determined annually by the governing board, in conjunction

1 with the sponsor, of the charter school in consideration of
2 the factors identified in this subsection.

3 Section 2. Subsections (2), (3), and (4) of section
4 1013.355, Florida Statutes, is amended to read:

5 1013.355 Educational facilities benefit districts.--

6 (2) The Legislature hereby authorizes the creation of
7 educational facilities benefit districts pursuant to
8 interlocal cooperation agreements between a district school
9 board and all local general purpose governments within whose
10 jurisdiction a district is located. The purpose of
11 educational facilities benefit districts is to assist in
12 financing the construction, operation, and maintenance of
13 educational facilities.

14 (3)(a) An educational facilities benefit district may
15 be created pursuant to this act and chapters 125, 163, 166,
16 and 189. An educational facilities benefit district charter
17 may be created by a county or municipality by entering into an
18 interlocal agreement, as authorized by s. 163.01, with the
19 district school board and any local general purpose government
20 within whose jurisdiction a portion of the district is located
21 and adoption of an ordinance that includes all provisions
22 contained within s. 189.4041. The creating entity shall be
23 the local general purpose government within whose boundaries a
24 majority of the educational facilities benefit district's
25 lands are located.

26 (b) Creation of any educational facilities benefit
27 district shall be conditioned upon the consent of the district
28 school board, all local general purpose governments within
29 whose jurisdiction any portion of the educational facilities
30 benefit district is located, and all landowners within the
31 district. Decisions of the school district regarding the

1 establishment of an educational facilities district may be
2 appealed pursuant to s. 1002.33(6)(b).The membership of the
3 governing board of any educational facilities benefit district
4 shall include representation of the district school board,
5 each cooperating local general purpose government, and the
6 landowners within the district. In the case of an educational
7 facilities benefit district's decision to create a charter
8 school, the board of directors of the charter school may
9 constitute the members of the governing board for the
10 educational facilities benefit district. An educational
11 facilities benefit district may also be created by the local
12 general purpose government within whose jurisdiction the
13 educational facilities benefit district is located by adoption
14 of an ordinance establishing the district.

15 (4) The educational facilities benefit district shall
16 have, and its governing board may exercise, the following
17 powers:

18 (a) To acquire, finance, and construct educational
19 facilities within the district's boundaries.

20 (b) To sue and be sued in the name of the district; to
21 adopt and use a seal and authorize the use of a facsimile
22 thereof; to acquire, by purchase, gift, devise, or otherwise,
23 and to dispose of real and personal property or any estate
24 therein; and to make and execute contracts and other
25 instruments necessary or convenient to the exercise of its
26 powers.

27 (c) To contract for the services of consultants to
28 perform planning, engineering, legal, or other appropriate
29 services of a professional nature. Such contracts shall be
30 subject to the public bidding or competitive negotiations
31 required of local general purpose governments.

1 (d) To borrow money and accept gifts; to apply for
2 unused grants or loans of money or other property from the
3 United States, the state, a unit of local government, or any
4 person for any district purposes and enter into agreements
5 required in connection therewith; and to hold, use, and
6 dispose of such moneys or property for any district purposes
7 in accordance with the terms of the gift, grant, loan, or
8 agreement relating thereto.

9 (e) To adopt resolutions and policies prescribing the
10 powers, duties, and functions of the officers of the district,
11 the conduct of the business of the district, and the
12 maintenance of records and documents of the district.

13 (f) To maintain an office at such place or places as
14 it may designate within the district or within the boundaries
15 of the local general purpose government that created the
16 district.

17 (g) To lease as lessor or lessee to or from any
18 person, firm, corporation, association, or body, public or
19 private, any projects of the type that the district is
20 authorized to undertake and facilities or property of any
21 nature for use of the district to carry out any of the
22 purposes authorized by this act.

23 (h) To borrow money and issue bonds, certificates,
24 warrants, notes, or other evidence of indebtedness pursuant to
25 this act for periods not longer than 30 years, provided such
26 bonds, certificates, warrants, notes, or other indebtedness
27 shall only be guaranteed by non-ad valorem assessments legally
28 imposed by the district and other available sources of funds
29 provided in this act and shall not pledge the full faith and
30 credit of any local general purpose government or the district
31 school board.

1 (i) To cooperate with or contract with other
2 governmental agencies as may be necessary, convenient,
3 incidental, or proper in connection with any of the powers,
4 duties, or purposes authorized by this act and to accept
5 funding from local and state agencies as provided in this act.

6 (j) To levy, impose, collect, and enforce non-ad
7 valorem assessments, as defined by s. 197.3632(1)(d), pursuant
8 to this act, chapters 125 and 166, and ss. 197.3631, 197.3632,
9 and 197.3635.

10 (k) To exercise all powers necessary, convenient,
11 incidental, or proper in connection with any of the powers,
12 duties, or purposes authorized by this act.

13 Section 3. Section 1013.356, Florida Statutes, is
14 amended to read:

15 1013.356 Local funding for educational facilities
16 benefit districts or community development districts.--Upon
17 confirmation by a district school board of the commitment of
18 revenues by an educational facilities benefit district or
19 community development district necessary to construct,
20 operate, and maintain an educational facility contained within
21 an individual district facilities work program or proposed by
22 an approved charter school or a charter school applicant, the
23 following funds shall be provided to the educational
24 facilities benefit district or community development district
25 annually, beginning with the next fiscal year after
26 confirmation until the district's financial obligations are
27 completed:

28 (1) All educational facilities impact fee revenue
29 collected for new development within the educational
30 facilities benefit district or community development district.
31 Funds provided under this subsection shall be used to fund the

1 acquisition, construction, and capital maintenance costs of
2 educational facilities.

3 (2) For construction and capital maintenance costs not
4 covered by the funds provided under subsection (1), an annual
5 amount contributed by the district school board equal to
6 one-half of the remaining costs of construction and capital
7 maintenance of the educational facility. Any construction
8 costs above the cost-per-student criteria established for the
9 SIT Program in s. 1013.72(2) shall be funded exclusively by
10 the educational facilities benefit district or the community
11 development district. Funds contributed by a district school
12 board shall not be used to fund operational costs.

13 (3) In lieu of subsection (2), if an educational
14 facilities benefit district or a community development
15 district elects to so receive, the required local effort funds
16 calculated pursuant to s. 1011.62 paid by properties located
17 within the educational facilities benefit district or the
18 community development district, including amounts generated by
19 nonvoted discretionary millage for operations pursuant to s.
20 1011.71(1) and for capital improvements pursuant to s.
21 1011.71(2).

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23 Educational facilities funded pursuant to this act may be
24 constructed on land that is owned by any person after the
25 district school board, the charter school, the educational
26 facilities benefit district, or the community development
27 district has acquired from the owner of the land a long-term
28 lease for the use of this land or facilities for a period of
29 not less than 40 years or the life expectancy of the permanent
30 facilities constructed thereon, whichever is longer. All
31 interlocal agreements entered into pursuant to this act shall

1 provide for ownership of educational facilities funded
2 pursuant to this act to revert to the district school board if
3 such facilities cease to be used for public educational
4 purposes prior to 40 years after construction or prior to the
5 end of the life expectancy of the educational facilities,
6 whichever is longer.

7 Section 4. This act shall take effect July 1, 2003.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1866

4 The Committee Substitute allows an educational facilities
5 benefit district or a community development district to apply
6 for a conversion charter school. The application may be for
7 conversion of a single school or for a group of public schools
8 contained within the boundaries of the educational facilities
9 benefit district or the community development district.

10 Student enrollment at the conversion charter school may be
11 limited to those students living within the boundaries of the
12 educational facilities benefit district or the community
13 development district.

14 The purpose of educational facilities benefit districts is
15 expanded. The district may assist in financing the operation
16 of educational facilities, not just the construction and
17 maintenance of educational facilities.

18 The Committee Substitute allows an educational facilities
19 benefit district to appeal a school district's decision about
20 the establishment of such a benefit district. An educational
21 facilities benefit district may be created by an ordinance
22 adopted by the local general purpose government within whose
23 jurisdiction the district is located. Powers of the district
24 are expanded to include the acquisition of existing
25 facilities, not just to finance and construct educational
26 facilities. Payment for the acquisition of facilities may be
27 paid from impact fee revenue collected for new development
28 within the educational facilities benefit district or the
29 community development district.

30 The Committee Substitute allows an educational facilities
31 benefit district or a community development district to elect
32 to receive in lieu of an annual contribution from the district
33 school board, the required local effort funds paid by
34 properties located within the educational facilities benefit
35 district or the community development district. These funds
36 include the amounts generated by nonvoted discretionary
37 millage for operations and for capital improvements.

38 The Committee Substitute expands the list of the parties that
39 may enter into a long-term lease for land to include a charter
40 school, the educational facilities benefit district, or the
41 community development district. Language is added to allow
42 the long-term lease of facilities as well as land.