



HB 0527

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A bill to be entitled
 An act relating to educational facilities; amending s.
 1002.33, F.S.; authorizing application by an educational
 facilities benefit district or a community development
 district for conversion of a group of schools to charter
 schools; amending s. 1013.355, F.S.; expanding the purpose
 and powers of educational facilities benefit districts;
 providing that creation of an educational facilities
 benefit district may be conditioned on the consent of
 involved parties; amending s. 1013.356, F.S.; expanding
 the purpose and funding for educational facilities benefit
 districts and community development districts; authorizing
 leases for use of land or facilities; providing an
 effective date.

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

Section 1. Paragraph (c) is added to subsection (3) of
 section 1002.33, Florida Statutes, and paragraph (e) of
 subsection (10) of said section is amended, to read:

1002.33 Charter schools.--

(3) APPLICATION FOR CHARTER STATUS.--

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

(10) ELIGIBLE STUDENTS.--



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

32 1. Students within specific age groups or grade levels.

33 2. Students considered at risk of dropping out of school
34 or academic failure. Such students shall include exceptional
35 education students.

36 3. Students enrolling in a charter school-in-the-workplace
37 or charter school-in-a-municipality established pursuant to
38 subsection (16) or in a charter school located within an
39 educational facilities benefit district established pursuant to
40 s. 1013.355.

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

49 5. Students who meet reasonable academic, artistic, or
50 other eligibility standards established by the charter school
51 and included in the charter school application and charter or,
52 in the case of existing charter schools, standards that are
53 consistent with the school's mission and purpose. Such standards
54 shall be in accordance with current state law and practice in
55 public schools and may not discriminate against otherwise
56 qualified individuals.

57 6. Students articulating from one charter school to
58 another pursuant to an articulation agreement between the
59 charter schools that has been approved by the sponsor.



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60 Section 2. Subsections (1) and (2), paragraph (b) of
61 subsection (3), paragraph (a) of subsection (4), and subsection
62 (5) of section 1013.355, Florida Statutes, are amended to read:

63 1013.355 Educational facilities benefit districts.--

64 (1) It is the intent of the Legislature to encourage and
65 authorize public cooperation among district school boards,
66 affected local general purpose governments, and benefited
67 private interests in order to implement financing for timely
68 acquisition, construction, operation, or ~~and~~ maintenance of
69 school facilities, including facilities identified in individual
70 district facilities work programs or proposed by charter
71 schools. It is the further intent of the Legislature to provide
72 efficient alternative mechanisms and incentives to allow for
73 sharing costs of educational facilities necessary to accommodate
74 new growth and development among public agencies, including
75 district school boards, affected local general purpose
76 governments, and benefited private development interests.

77 (2) The Legislature hereby authorizes the creation of
78 educational facilities benefit districts pursuant to interlocal
79 cooperation agreements between a district school board and all
80 local general purpose governments within whose jurisdiction a
81 district is located. The purpose of educational facilities
82 benefit districts is to assist in financing the acquisition,
83 construction, operation, or ~~and~~ maintenance of educational
84 facilities.

85 (3)

86 (b) Creation of any educational facilities benefit
87 district may ~~shall~~ be conditioned upon the consent of the
88 district school board, all local general purpose governments
89 within whose jurisdiction any portion of the educational



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90 facilities benefit district is located, and all landowners
 91 within the district. The membership of the governing board of
 92 any educational facilities benefit district should ~~shall~~ include
 93 representation of the district school board, each cooperating
 94 local general purpose government, and the landowners within the
 95 district. ~~If In the case of~~ an educational facilities benefit
 96 district petitions ~~district's decision~~ to create a charter
 97 school or charter schools, the board of directors of the charter
 98 school or charter schools may constitute the members of the
 99 governing board for the educational facilities benefit district.

100 (4) The educational facilities benefit district shall
 101 have, and its governing board may exercise, the following
 102 powers:

103 (a) To acquire, finance, and construct, operate, or
 104 maintain educational facilities within the district's
 105 boundaries.

106 (5) As an alternative to the creation of an educational
 107 facilities benefit district, the Legislature hereby recognizes
 108 and encourages the consideration of community development
 109 district creation pursuant to chapter 190 as a viable
 110 alternative for financing the acquisition, construction,
 111 operation, or ~~and~~ maintenance of educational facilities as
 112 described in this act. Community development districts are
 113 granted the authority to determine, order, levy, impose,
 114 collect, and enforce non-ad valorem assessments for such
 115 purposes pursuant to this act and chapters 170, 190, and 197.
 116 This authority is in addition to any authority granted community
 117 development districts under chapter 190. Community development
 118 districts are therefore deemed eligible for the financial
 119 enhancements available to educational facilities benefit



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120 districts providing for financing the acquisition, construction,
 121 operation, or ~~and~~ maintenance of educational facilities pursuant
 122 to s. 1013.356. In order to receive such financial enhancements,
 123 a community development district must enter into an interlocal
 124 agreement with the district school board and affected local
 125 general purpose governments that specifies the obligations of
 126 all parties to the agreement. Nothing in this act or in any
 127 interlocal agreement entered into pursuant to this act requires
 128 any change in the method of election of a board of supervisors
 129 of a community development district provided in chapter 190.

130 Section 3. Section 1013.356, Florida Statutes, is amended
 131 to read:

132 1013.356 Local funding for educational facilities benefit
 133 districts or community development districts.--Upon confirmation
 134 by a district school board of the commitment of revenues by an
 135 educational facilities benefit district or community development
 136 district necessary to acquire, construct, operate, or ~~and~~
 137 maintain an educational facility contained within an individual
 138 district facilities work program or proposed by an approved
 139 charter school or a charter school applicant, the following
 140 funds shall be provided to the educational facilities benefit
 141 district or community development district annually, beginning
 142 with the next fiscal year after confirmation until the
 143 district's financial obligations are completed:

144 (1) All educational facilities impact fee revenue
 145 collected for new development within the educational facilities
 146 benefit district or community development district. Funds
 147 provided under this subsection shall be used to fund the
 148 acquisition, construction, operation, or ~~and~~ capital maintenance
 149 costs of educational facilities.



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150 (2) For construction and capital maintenance costs not
151 covered by the funds provided under subsection (1), an annual
152 amount contributed by the district school board equal to one-
153 half of the remaining costs of construction and capital
154 maintenance of the educational facility. Any construction costs
155 above the cost-per-student criteria established for the SIT
156 Program in s. 1013.72(2) shall be funded exclusively by the
157 educational facilities benefit district or the community
158 development district. Funds contributed by a district school
159 board shall not be used to fund operational costs.

160 (3) In lieu of subsection (2), if an educational
161 facilities benefit district or community development district
162 elects to so receive, the proportionate share of local effort ad
163 valorem taxes paid by properties located within the educational
164 facilities benefit district or the community development
165 district based on student stations provided within the
166 educational facilities benefit district or the community
167 development district.

168
169 Educational facilities funded pursuant to this act may be
170 constructed on land that is owned by any person after the
171 district school board, the charter school or charter schools, or
172 the educational facilities benefit district or the community
173 development district has acquired from the owner of the land a
174 long-term lease for the use of this land or facilities for a
175 period of not less than 40 years or the life expectancy of the
176 permanent facilities constructed thereon, whichever is longer.
177 All interlocal agreements entered into pursuant to this act
178 shall provide for ownership of educational facilities funded
179 pursuant to this act to revert to the district school board if



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180 such facilities cease to be used for public educational purposes
181 prior to 40 years after construction or prior to the end of the
182 life expectancy of the educational facilities, whichever is
183 longer.

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