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CHAMBER ACTION

The Committee on Education K-20 recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to educational facilities benefit districts and community development districts; 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; authorizing creation of an educational facilities benefit district by the local general purpose government; 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. Subsections (3) and (10) of section 1002.33, Florida Statutes, are amended to read:



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29 | 1002.33 Charter schools.--

30 | (3) APPLICATION FOR CHARTER STATUS.--

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

35 | (b) An application for a conversion charter school shall
36 | be made by the district school board, the principal, teachers,
37 | parents, and/or the school advisory council at an existing
38 | public school that has been in operation for at least 2 years
39 | prior to the application to convert, including a public school-
40 | within-a-school that is designated as a school by the district
41 | school board, or by an educational facilities benefit district
42 | or a community development district. An application submitted
43 | proposing to convert an existing public school to a charter
44 | school shall demonstrate the support of at least 50 percent of
45 | the teachers employed at the school and 50 percent of the
46 | parents voting whose children are enrolled at the school,
47 | provided that a majority of the parents eligible to vote
48 | participate in the ballot process, according to rules adopted by
49 | the State Board of Education. A district school board denying an
50 | application for a conversion charter school shall provide notice
51 | of denial to the applicants in writing within 30 days after the
52 | meeting at which the district school board denied the
53 | application. The notice must specify the exact reasons for
54 | denial and must provide documentation supporting those reasons.
55 | A private school, parochial school, or home education program
56 | shall not be eligible for charter school status.



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

63 | (10) ELIGIBLE STUDENTS.--

64 | (a) A charter school shall be open to any student covered
65 | in an interdistrict agreement or residing in the school district
66 | in which the charter school is located; however, in the case of
67 | a charter lab school, the charter lab school shall be open to
68 | any student eligible to attend the lab school as provided in s.
69 | 1002.32 or who resides in the school district in which the
70 | charter lab school is located. Any eligible student shall be
71 | allowed interdistrict transfer to attend a charter school when
72 | based on good cause.

73 | (b) The charter school shall enroll an eligible student
74 | who submits a timely application, unless the number of
75 | applications exceeds the capacity of a program, class, grade
76 | level, or building. In such case, all applicants shall have an
77 | equal chance of being admitted through a random selection
78 | process.

79 | (c) When a public school converts to charter status,
80 | enrollment preference shall be given to students who would have
81 | otherwise attended that public school.

82 | (d) A charter school may give enrollment preference to the
83 | following student populations:



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84 | 1. Students who are siblings of a student enrolled in the
85 | charter school.

86 | 2. Students who are the children of a member of the
87 | governing board of the charter school.

88 | 3. Students who are the children of an employee of the
89 | charter school.

90 | (e) A charter school may limit the enrollment process only
91 | to target the following student populations:

92 | 1. Students within specific age groups or grade levels.

93 | 2. Students considered at risk of dropping out of school
94 | or academic failure. Such students shall include exceptional
95 | education students.

96 | 3. Students enrolling in a charter school-in-the-workplace
97 | or charter school-in-a-municipality established pursuant to
98 | subsection (16), or in a charter school located within an
99 | educational facilities benefit district or community development
100 | district.

101 | 4. Students residing within a reasonable distance of the
102 | charter school, as described in paragraph (21)(c). Such students
103 | shall be subject to a random lottery and to the racial/ethnic
104 | balance provisions described in subparagraph (7)(a)8. or any
105 | federal provisions that require a school to achieve a
106 | racial/ethnic balance reflective of the community it serves or
107 | within the racial/ethnic range of other public schools in the
108 | same school district.

109 | 5. Students who meet reasonable academic, artistic, or
110 | other eligibility standards established by the charter school
111 | and included in the charter school application and charter or,



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112 in the case of existing charter schools, standards that are
113 consistent with the school's mission and purpose. Such standards
114 shall be in accordance with current state law and practice in
115 public schools and may not discriminate against otherwise
116 qualified individuals.

117 6. Students articulating from one charter school to
118 another pursuant to an articulation agreement between the
119 charter schools that has been approved by the sponsor.

120 (f) Students with handicapping conditions and students
121 served in English for Speakers of Other Languages programs shall
122 have an equal opportunity of being selected for enrollment in a
123 charter school.

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

127 (h) The capacity of the charter school shall be determined
128 annually by the governing board, in conjunction with the
129 sponsor, of the charter school in consideration of the factors
130 identified in this subsection.

131 Section 2. Subsections (2), (3), and (4) of section
132 1013.355, Florida Statutes, are amended to read:

133 1013.355 Educational facilities benefit districts.--

134 (2) The Legislature hereby authorizes the creation of
135 educational facilities benefit districts pursuant to interlocal
136 cooperation agreements between a district school board and all
137 local general purpose governments within whose jurisdiction a
138 district is located. The purpose of educational facilities



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139 benefit districts is to assist in financing the construction,
140 operation, and maintenance of educational facilities.

141 (3)(a) An educational facilities benefit district may be
142 created pursuant to this act and chapters 125, 163, 166, and
143 189. An educational facilities benefit district charter may be
144 created by a county or municipality by entering into an
145 interlocal agreement, as authorized by s. 163.01, with the
146 district school board and any local general purpose government
147 within whose jurisdiction a portion of the district is located
148 and adoption of an ordinance that includes all provisions
149 contained within s. 189.4041. The creating entity shall be the
150 local general purpose government within whose boundaries a
151 majority of the educational facilities benefit district's lands
152 are located.

153 (b) Creation of any educational facilities benefit
154 district shall be conditioned upon the consent of the district
155 school board, all local general purpose governments within whose
156 jurisdiction any portion of the educational facilities benefit
157 district is located, and all landowners within the district.
158 Decisions of the school district regarding the establishment of
159 an educational facilities benefit district may be appealed
160 pursuant to s. 1002.33 (6)(b). The membership of the governing
161 board of any educational facilities benefit district shall
162 include representation of the district school board, each
163 cooperating local general purpose government, and the landowners
164 within the district. In the case of an educational facilities
165 benefit district's decision to create a charter school, the
166 board of directors of the charter school may constitute the



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167 members of the governing board for the educational facilities
168 benefit district. An educational facilities benefit district may
169 also be created by the local general purpose government within
170 whose jurisdiction the educational facilities benefit district
171 is located by adoption of an ordinance establishing the
172 district.

173 (4) The educational facilities benefit district shall
174 have, and its governing board may exercise, the following
175 powers:

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

178 (b) To sue and be sued in the name of the district; to
179 adopt and use a seal and authorize the use of a facsimile
180 thereof; to acquire, by purchase, gift, devise, or otherwise,
181 and to dispose of real and personal property or any estate
182 therein; and to make and execute contracts and other instruments
183 necessary or convenient to the exercise of its powers.

184 (c) To contract for the services of consultants to perform
185 planning, engineering, legal, or other appropriate services of a
186 professional nature. Such contracts shall be subject to the
187 public bidding or competitive negotiations required of local
188 general purpose governments.

189 (d) To borrow money and accept gifts; to apply for unused
190 grants or loans of money or other property from the United
191 States, the state, a unit of local government, or any person for
192 any district purposes and enter into agreements required in
193 connection therewith; and to hold, use, and dispose of such
194 moneys or property for any district purposes in accordance with



195 | the terms of the gift, grant, loan, or agreement relating
196 | thereto.

197 | (e) To adopt resolutions and policies prescribing the
198 | powers, duties, and functions of the officers of the district,
199 | the conduct of the business of the district, and the maintenance
200 | of records and documents of the district.

201 | (f) To maintain an office at such place or places as it
202 | may designate within the district or within the boundaries of
203 | the local general purpose government that created the district.

204 | (g) To lease as lessor or lessee to or from any person,
205 | firm, corporation, association, or body, public or private, any
206 | projects of the type that the district is authorized to
207 | undertake and facilities or property of any nature for use of
208 | the district to carry out any of the purposes authorized by this
209 | act.

210 | (h) To borrow money and issue bonds, certificates,
211 | warrants, notes, or other evidence of indebtedness pursuant to
212 | this act for periods not longer than 30 years, provided such
213 | bonds, certificates, warrants, notes, or other indebtedness
214 | shall only be guaranteed by non-ad valorem assessments legally
215 | imposed by the district and other available sources of funds
216 | provided in this act and shall not pledge the full faith and
217 | credit of any local general purpose government or the district
218 | school board.

219 | (i) To cooperate with or contract with other governmental
220 | agencies as may be necessary, convenient, incidental, or proper
221 | in connection with any of the powers, duties, or purposes



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222 authorized by this act and to accept funding from local and
223 state agencies as provided in this act.

224 (j) To levy, impose, collect, and enforce non-ad valorem
225 assessments, as defined by s. 197.3632(1)(d), pursuant to this
226 act, chapters 125 and 166, and ss. 197.3631, 197.3632, and
227 197.3635.

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

231 Section 3. Section 1013.356, Florida Statutes, is amended
232 to read:

233 1013.356 Local funding for educational facilities benefit
234 districts or community development districts.--Upon confirmation
235 by a district school board of the commitment of revenues by an
236 educational facilities benefit district or community development
237 district necessary to construct, operate, and maintain an
238 educational facility contained within an individual district
239 facilities work program or proposed by an approved charter
240 school or a charter school applicant, the following funds shall
241 be provided to the educational facilities benefit district or
242 community development district annually, beginning with the next
243 fiscal year after confirmation until the district's financial
244 obligations are completed:

245 (1) All educational facilities impact fee revenue
246 collected for new development within the educational facilities
247 benefit district or community development district. Funds
248 provided under this subsection shall be used to fund the



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249 acquisition, construction, and capital maintenance costs of
250 educational facilities.

251 (2) For construction and capital maintenance costs not
252 covered by the funds provided under subsection (1), an annual
253 amount contributed by the district school board equal to one-
254 half of the remaining costs of construction and capital
255 maintenance of the educational facility. Any construction costs
256 above the cost-per-student criteria established for the SIT
257 Program in s. 1013.72(2) shall be funded exclusively by the
258 educational facilities benefit district or the community
259 development district. Funds contributed by a district school
260 board shall not be used to fund operational costs.

261 (3) In lieu of subsection (2), if an educational
262 facilities benefit district or a community development district
263 elects to so receive, the required local effort funds calculated
264 pursuant to s. 1011.62 paid by properties located within the
265 educational facilities benefit district or the community
266 development district, including amounts generated by nonvoted
267 discretionary millage for operations pursuant to s. 1011.71(1)
268 and for capital improvements pursuant to s. 1011.71(2).

269
270 Educational facilities funded pursuant to this act may be
271 constructed on land that is owned by any person after the
272 district school board, the charter school, the educational
273 facilities benefit district, or the community development
274 district has acquired from the owner of the land a long-term
275 lease for the use of this land or facilities for a period of not
276 less than 40 years or the life expectancy of the permanent



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277 facilities constructed thereon, whichever is longer. All
278 interlocal agreements entered into pursuant to this act shall
279 provide for ownership of educational facilities funded pursuant
280 to this act to revert to the district school board if such
281 facilities cease to be used for public educational purposes
282 prior to 40 years after construction or prior to the end of the
283 life expectancy of the educational facilities, whichever is
284 longer.

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