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A bill to be entitled

An act relating to charter schools; amending s. 1002.33, F.S.; authorizing an educational facilities benefit district or a community development district to apply for a conversion charter school; providing a procedure for certain school districts to participate in a pilot program to convert public-school-feeder systems into charter-school-feeder systems; providing definitions; providing participation requirements; providing an appeals process; providing for operational and capital outlay funding; providing for new construction; amending s. 1013.355, F.S.; prescribing additional purposes of educational facilities benefit districts; providing for appeal of certain school board decisions; providing for creation of such districts by general purpose governments; amending s. 1013.356, F.S.; expanding the purpose of educational facilities benefit districts and community development districts; providing for capital outlay funding; authorizing leases for use of land or facilities; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; 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:

1002.33 Charter schools.--

(3) APPLICATION FOR CHARTER STATUS.--

(a) An application for a new charter school may be made by



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31 an individual, teachers, parents, a group of individuals, a
32 municipality, or a legal entity organized under the laws of this
33 state.

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

56 (c) The Miami-Dade County School Board and the Broward
57 County School Board are authorized to accept applications from
58 educational facilities benefit districts or community
59 development districts to establish a pilot program to convert 5
60 feeder systems of public schools per county to conversion



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61 charter-school-feeder systems. Applications for four of the
62 conversion charter-school-feeder systems must be from
63 educational facilities benefit districts or community
64 development districts located within municipal service areas
65 with a population of 75,000 or more in Miami-Dade County and
66 58,000 or more in Broward County as reported on the most recent
67 United States Census and one application must be from an
68 educational facilities benefit district or community development
69 district located in the unincorporated municipal service area.
70 Not more than one educational facilities benefit district or
71 community development district within a municipality may be
72 awarded a conversion charter-school-feeder system.

73 1. A conversion charter-school-feeder system is defined as
74 one high school and the middle schools and elementary schools
75 where more than one-half of the students are zoned to attend
76 that high school and must include at least one high school, one
77 middle school, and one elementary school.

78 2. To participate in the pilot program, all schools
79 included in the conversion charter-school-feeder system must be
80 located within the boundaries of the educational facilities
81 benefit district or community development district applying to
82 participate in the conversion pilot program.

83 3. Decisions of the school district regarding the
84 establishment of a conversion charter-school-feeder system may
85 be appealed to the State Board of Education.

86 4. Operational funding for students attending charter
87 schools in a conversion charter-school-feeder system shall be
88 provided at the same full-time equivalent (FTE) student rate as
89 the student generates for the district with no administrative
90 hold back for district operations. Should the educational



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91 facilities benefit district or community development district
92 provide operational funding for the conversion charter-school-
93 feeder system, the district's contribution per FTE shall be
94 reduced on a dollar-for-dollar basis to maintain equal funding
95 per FTE throughout the district.

96 5. Capital outlay funding for a conversion charter-school-
97 feeder system shall be addressed in the charter agreement with
98 the school board. The charter may provide for the district to
99 continue to be responsible for the maintenance, repair,
100 renovation, and remodeling of the facility or may provide a per-
101 student amount to the conversion charter-school-feeder system
102 equal to the district's average per-student capital outlay
103 funding amount. Should the educational facilities benefit
104 district or community development district provide capital
105 outlay funding for the conversion charter-school-feeder system,
106 the district's contribution per FTE shall be reduced on a dollar
107 for dollar basis to maintain equal funding per FTE throughout
108 the district.

109 6. If the educational facilities benefit district or
110 community development district decides that a new school
111 facility must be constructed, the district school board shall
112 provide capital outlay funding for new construction in an amount
113 that is equal to the district-wide average amount per FTE
114 student generated from 2 mills of nonvoted discretionary capital
115 outlay authorized in s. 1011.71(2). These funds may not be
116 pledged for debt service or financial obligations entered into
117 by the educational facilities benefit district or community
118 development district.

119 7. The purpose of the pilot program is to produce
120 significant improvements in student achievement and school



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121 management including administrative efficiency, to encourage and
122 measure the use of innovative learning methods, and to make the
123 school the unit of improvement.

124 8. The approved conversion charter-school-feeder system
125 application shall be the basis for evaluation of the pilot
126 program.

127 (10) ELIGIBLE STUDENTS.--

128 (a) A charter school shall be open to any student covered
129 in an interdistrict agreement or residing in the school district
130 in which the charter school is located; however, in the case of
131 a charter lab school, the charter lab school shall be open to
132 any student eligible to attend the lab school as provided in s.
133 1002.32 or who resides in the school district in which the
134 charter lab school is located. Any eligible student shall be
135 allowed interdistrict transfer to attend a charter school when
136 based on good cause.

137 (b) The charter school shall enroll an eligible student
138 who submits a timely application, unless the number of
139 applications exceeds the capacity of a program, class, grade
140 level, or building. In such case, all applicants shall have an
141 equal chance of being admitted through a random selection
142 process.

143 (c) When a public school converts to charter status, or in
144 schools that are part of a conversion charter-school-feeder
145 system, enrollment preference shall be given to students who
146 would have otherwise attended that public school.

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

149 1. Students who are siblings of a student enrolled in the
150 charter school.



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151 2. Students who are the children of a member of the
152 governing board of the charter school.

153 3. Students who are the children of an employee of the
154 charter school.

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

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

158 2. Students considered at risk of dropping out of school
159 or academic failure. Such students shall include exceptional
160 education students.

161 3. Students enrolling in a charter school-in-the-workplace
162 or charter school-in-a-municipality established pursuant to
163 subsection (16).

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

172 5. Students who meet reasonable academic, artistic, or
173 other eligibility standards established by the charter school
174 and included in the charter school application and charter or,
175 in the case of existing charter schools, standards that are
176 consistent with the school's mission and purpose. Such standards
177 shall be in accordance with current state law and practice in
178 public schools and may not discriminate against otherwise
179 qualified individuals.

180 6. Students articulating from one charter school to



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181 another pursuant to an articulation agreement between the
182 charter schools that has been approved by the sponsor.

183 (f) Students with handicapping conditions and students
184 served in English for Speakers of Other Languages programs shall
185 have an equal opportunity of being selected for enrollment in a
186 charter school.

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

190 (h) The capacity of the charter school shall be determined
191 annually by the governing board, in conjunction with the
192 sponsor, of the charter school in consideration of the factors
193 identified in this subsection.

194 Section 2. Subsections (2), (3), and (4) of section
195 1013.355, Florida Statutes, is amended to read:

196 1013.355 Educational facilities benefit districts.--

197 (2) The Legislature hereby authorizes the creation of
198 educational facilities benefit districts pursuant to interlocal
199 cooperation agreements between a district school board and all
200 local general purpose governments within whose jurisdiction a
201 district is located. The purpose of educational facilities
202 benefit districts is to assist in financing the construction,
203 operation, and maintenance of educational facilities.

204 (3)(a) An educational facilities benefit district may be
205 created pursuant to this act and chapters 125, 163, 166, and
206 189. An educational facilities benefit district charter may be
207 created by a county or municipality by entering into an
208 interlocal agreement, as authorized by s. 163.01, with the
209 district school board and any local general purpose government
210 within whose jurisdiction a portion of the district is located



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211 and adoption of an ordinance that includes all provisions
 212 contained within s. 189.4041. The creating entity shall be the
 213 local general purpose government within whose boundaries a
 214 majority of the educational facilities benefit district's lands
 215 are located.

216 (b) Creation of any educational facilities benefit
 217 district shall be conditioned upon the consent of the district
 218 school board, all local general purpose governments within whose
 219 jurisdiction any portion of the educational facilities benefit
 220 district is located, and all landowners within the district.

221 Decisions of the school district regarding the establishment of
 222 an educational facilities benefit district may be appealed to
 223 the State Board of Education. The membership of the governing
 224 board of any educational facilities benefit district shall
 225 include representation of the district school board, each
 226 cooperating local general purpose government, and the landowners
 227 within the district. In the case of an educational facilities
 228 benefit district's decision to create a charter school, the
 229 board of directors of the charter school may constitute the
 230 members of the governing board for the educational facilities
 231 benefit district.

232 (c) An educational facilities benefit
 233 district may also be created by the local general purpose
 234 government within whose jurisdiction the educational facilities
 235 benefit district is located by adoption of an ordinance
 236 establishing the district and approval by the electors within
 237 the educational facilities benefit district at a general
 238 election.

238 (4) The educational facilities benefit district shall
 239 have, and its governing board may exercise, the following
 240 powers:



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241 (a) To acquire through lease, purchase, gift, or bequest;
242 finance; and construct educational facilities within the
243 district's boundaries.

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

250 (c) To contract for the services of consultants to perform
251 planning, engineering, legal, or other appropriate services of a
252 professional nature. Such contracts shall be subject to the
253 public bidding or competitive negotiations required of local
254 general purpose governments.

255 (d) To borrow money and accept gifts; to apply for unused
256 grants or loans of money or other property from the United
257 States, the state, a unit of local government, or any person for
258 any district purposes and enter into agreements required in
259 connection therewith; and to hold, use, and dispose of such
260 moneys or property for any district purposes in accordance with
261 the terms of the gift, grant, loan, or agreement relating
262 thereto.

263 (e) To adopt resolutions and policies prescribing the
264 powers, duties, and functions of the officers of the district,
265 the conduct of the business of the district, and the maintenance
266 of records and documents of the district.

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

270 (g) To lease as lessor or lessee to or from any person,



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271 firm, corporation, association, or body, public or private, any
 272 projects of the type that the district is authorized to
 273 undertake and facilities or property of any nature for use of
 274 the district to carry out any of the purposes authorized by this
 275 act.

276 (h) To borrow money and issue bonds, certificates,
 277 warrants, notes, or other evidence of indebtedness pursuant to
 278 this act for periods not longer than 30 years, provided such
 279 bonds, certificates, warrants, notes, or other indebtedness
 280 shall only be guaranteed by non-ad valorem assessments legally
 281 imposed by the district and other available sources of funds
 282 provided in this act and shall not pledge the full faith and
 283 credit of any local general purpose government or the district
 284 school board.

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

290 (j) To levy, impose, collect, and enforce non-ad valorem
 291 assessments, as defined by s. 197.3632(1)(d), pursuant to this
 292 act, chapters 125 and 166, and ss. 197.3631, 197.3632, and
 293 197.3635.

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

297 Section 3. Section 1013.356, Florida Statutes, as amended
 298 by section 131 of chapter 2003-1, Laws of Florida, is amended to
 299 read:

300 1013.356 Local funding for educational facilities benefit



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301 districts or community development districts.--Upon confirmation
302 by a district school board of the commitment of revenues by an
303 educational facilities benefit district or community development
304 district necessary to construct, operate, and maintain an
305 educational facility contained within an individual district
306 facilities work program or proposed by an approved charter
307 school or a charter school applicant, the following funds shall
308 be provided to the educational facilities benefit district or
309 community development district annually, beginning with the next
310 fiscal year after confirmation until the district's financial
311 obligations are completed:

312 (1) All educational facilities impact fee revenue
313 collected for new development within the educational facilities
314 benefit district or community development district. Funds
315 provided under this subsection shall be used to fund the
316 acquisition, construction, and capital maintenance costs of
317 educational facilities.

318 (2) For construction and capital maintenance costs not
319 covered by the funds provided under subsection (1), an annual
320 amount contributed by the district school board equal to one-
321 half of the remaining costs of construction and capital
322 maintenance of the educational facility. Any construction costs
323 above the cost-per-student criteria established for the SIT
324 Program in s. 1013.72(2) shall be funded exclusively by the
325 educational facilities benefit district or the community
326 development district. Funds contributed by a district school
327 board shall not be used to fund operational costs. If an
328 educational facilities benefit district or community development
329 district determines that a new school is to be established, the
330 district school board shall provide capital outlay funding in an



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331 amount that is equal to the district-wide average amount per FTE
332 student generated from 2 mills of nonvoted discretionary capital
333 outlay authorized in s. 1011.71(2). These funds may not be
334 pledged for debt service or financial obligations entered into
335 by the educational facilities benefit district or community
336 development district. These new schools are not eligible to
337 receive state capital outlay funds.

338
339 Educational facilities funded pursuant to this act may be
340 constructed on land that is owned by any person after the
341 district school board, the charter school, the educational
342 facilities benefit district, or the community development
343 district has acquired from the owner of the land a long-term
344 lease for the use of this land or facilities for a period of not
345 less than 40 years or the life expectancy of the permanent
346 facilities constructed thereon, whichever is longer. All
347 interlocal agreements entered into pursuant to this act shall
348 provide for ownership of educational facilities funded pursuant
349 to this act to revert to the district school board if such
350 facilities cease to be used for public educational purposes
351 prior to 40 years after construction or prior to the end of the
352 life expectancy of the educational facilities, whichever is
353 longer.

354 Section 4. If any law amended by this act was also amended
355 by a law enacted at the 2003 Regular Session of the Legislature,
356 such laws shall be construed as if they had been enacted at the
357 same session of the Legislature, and full effect shall be given
358 to each if possible.

359 Section 5. This act shall take effect upon becoming a law.