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A bill to be entitled
 An act relating to charter schools; amending s. 1002.33,
 F.S.; authorizing community colleges and state
 universities to sponsor charter schools on their own or in
 partnership with independent postsecondary educational
 institutions; revising provisions relating to compliance
 with building construction standards; exempting charter
 school facilities from complying with certain Florida
 Building Code provisions; providing jurisdiction for
 inspections; providing an exemption from assessment of
 fees; providing for the use of educational impact fees;
 requiring a charter school sponsor to provide additional
 services; amending s. 1013.62, F.S.; revising provisions
 relating to eligibility for charter school capital outlay
 funding and the purposes for which such funds may be used;
 deleting certain provisions relating to allocation of
 appropriated funds; amending s. 1002.32, F.S., to conform;
 providing an effective date.

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

Section 1. Paragraph (a) of subsection (5), subsection
 (18), and paragraph (a) of subsection (20) of section 1002.33,
 Florida Statutes, are amended to read:

- 1002.33 Charter schools.--
- (5) SPONSOR; DUTIES.--
- (a) *Sponsoring entities*.--

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28 1. A district school board may sponsor a charter school in
 29 the county over which the district school board has
 30 jurisdiction.

31 2. A community college may sponsor a charter school within
 32 each community college district on its own or in partnership
 33 with an independent postsecondary educational institution.

34 3. A state university may sponsor a charter school on its
 35 own or in partnership with an independent postsecondary
 36 educational institution.

37 ~~4.2-~~ A state university may grant a charter to a lab
 38 school created under s. 1002.32 and shall be considered to be
 39 the school's sponsor. Such school shall be considered a charter
 40 lab school.

41
 42 A community college may work with the school district or school
 43 districts in its designated service area to develop charter
 44 schools that offer secondary education. These charter schools
 45 must include an option for students to receive an associate
 46 degree upon high school graduation. District school boards shall
 47 cooperate with and assist the community college on the charter
 48 application. Community college applications for charter schools
 49 are not subject to the time deadlines outlined in subsection (6)
 50 and may be approved by the district school board at any time
 51 during the year. Community colleges shall not report FTE for any
 52 students who receive FTE funding through the Florida Education
 53 Finance Program.

54 (18) FACILITIES.--

55 (a) A charter school shall utilize facilities which comply
 56 with the Florida State Uniform Building Code ~~for Public~~

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57 ~~Educational Facilities Construction adopted pursuant to s.~~
 58 ~~1013.37 or with applicable state minimum building codes~~ pursuant
 59 to chapter 553 and the Florida Fire Prevention Code ~~state~~
 60 ~~minimum fire protection codes~~ pursuant to s. 633.025, as adopted
 61 by the authority in whose jurisdiction the facility is located.

62 (b) Any facility, or portion thereof, used to house a
 63 charter school whose charter has been approved by the sponsor
 64 and the governing board, pursuant to subsection (7), shall be
 65 exempt from ad valorem taxes pursuant to s. 196.1983.

66 (c) Charter school facilities are not required to ~~shall~~
 67 ~~utilize facilities which~~ comply with s. 423 of the Florida
 68 Building Code, "State Requirements for Educational Facilities,"
 69 adopted pursuant to s. 1013.37. The agencies having jurisdiction
 70 for inspection of a facility and issuance of a certificate of
 71 occupancy shall be the local school district in conjunction with
 72 the local fire marshal. Such inspections shall be scheduled and
 73 performed jointly by the local school district and the local
 74 fire marshal pursuant to chapter 553, and the Florida Fire
 75 Prevention Code, pursuant to chapter 633.

76 (d) Charter school facilities are exempt from assessments
 77 of fees for building permits, except as provided in s. 553.80,
 78 and building licenses and from assessments of impact fees or
 79 service availability fees.

80 (e) If a district school board facility or property is
 81 available because it is surplus, marked for disposal, or
 82 otherwise unused, it shall be provided for a charter school's
 83 use on the same basis as it is made available to other public
 84 schools in the district. A charter school receiving property
 85 from the school district may not sell or dispose of such

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86 | property without written permission of the school district.
 87 | Similarly, for an existing public school converting to charter
 88 | status, no rental or leasing fee for the existing facility or
 89 | for the property normally inventoried to the conversion school
 90 | may be charged by the district school board to the parents and
 91 | teachers organizing the charter school. The charter organizers
 92 | shall agree to reasonable maintenance provisions in order to
 93 | maintain the facility in a manner similar to district school
 94 | board standards. The Public Education Capital Outlay maintenance
 95 | funds or any other maintenance funds generated by the facility
 96 | operated as a conversion school shall remain with the conversion
 97 | school.

98 | (f) To the extent that charter school facilities are
 99 | specifically created to mitigate the educational impact created
 100 | by the development of new residential dwelling units, any
 101 | educational impact fees required to be paid in connection with
 102 | the new residential dwelling units may be designated instead for
 103 | the construction of the charter school facilities that will
 104 | mitigate the impact. The party responsible for payment of the
 105 | educational impact fees and the local zoning authority levying
 106 | the educational impact fees shall enter into an agreement that
 107 | designates the educational impact fees that will be allocated
 108 | for the charter school student stations and ensures the timely
 109 | and concurrent construction of the charter school student
 110 | stations.

111 | (20) SERVICES.--

112 | (a) A sponsor shall provide certain administrative and
 113 | educational services to charter schools. These services shall
 114 | include contract management services; ~~i~~ full-time equivalent and

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115 data reporting services;~~i~~ exceptional student education
 116 administration services;~~i~~ test administration services,
 117 including payment of the costs of state or district required
 118 tests;~~i~~ processing of teacher certificate data services;~~i~~ and
 119 information services, including equal access to all data
 120 management systems that are used by public schools in the
 121 district in which the charter school is located. A total
 122 administrative fee for the provision of such services shall be
 123 calculated based upon 5 percent of the available funds defined
 124 in paragraph (17)(b) for all students. However, a sponsor may
 125 only withhold a 5-percent administrative fee for enrollment for
 126 up to and including 500 students. For charter schools with a
 127 population of 501 or more students, the difference between the
 128 total administrative fee calculation and the amount of the
 129 administrative fee withheld may only be used for capital outlay
 130 purposes specified in s. 1013.62(2).

131 Section 2. Subsections (1), (2), and (7) of section
 132 1013.62, Florida Statutes, are amended to read:

133 1013.62 Charter schools capital outlay funding.--

134 (1) In each year in which funds are appropriated for
 135 charter school capital outlay purposes, the Commissioner of
 136 Education shall allocate the funds among eligible charter
 137 schools. To be eligible for a funding allocation, a charter
 138 school must:

139 (a) 1. Have received capital outlay funding for the 2003-
 140 2004 school year;

141 2.1. Have been in operation for 3 or more years;

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142 ~~3.2-~~ Be an expanded feeder chain of a charter school
 143 within the same school district that is currently receiving
 144 charter school capital outlay funds; or

145 ~~4.3-~~ Have been accredited by the Commission on Schools of
 146 the Southern Association of Colleges and Schools.

147 (b) Have financial stability for future operation as a
 148 charter school.

149 (c) Have satisfactory student achievement based on state
 150 accountability standards applicable to the charter school.

151 (d) Have received final approval from its sponsor pursuant
 152 to s. 1002.33 for operation during that fiscal year.

153 (e) Serve students in facilities that are not provided by
 154 the charter school's sponsor.

155
 156 Prior to the release of capital outlay funds to a school
 157 district on behalf of the charter school, the Department of
 158 Education shall ensure that the district school board and the
 159 charter school governing board enter into a written agreement
 160 that includes provisions for the reversion of any unencumbered
 161 funds and all equipment and property purchased with public
 162 education funds to the ownership of the district school board,
 163 as provided for in subsection (3), in the event that the school
 164 terminates operations. Any funds recovered by the state shall be
 165 deposited in the General Revenue Fund. A charter school is not
 166 eligible for a funding allocation if it was created by the
 167 conversion of a public school and operates in facilities
 168 provided by the charter school's sponsor for a nominal fee or at
 169 no charge or if it is directly or indirectly operated by the
 170 school district. Unless otherwise provided in the General

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171 Appropriations Act, the funding allocation for each eligible
 172 charter school shall be determined by multiplying the school's
 173 projected student enrollment by one-fifteenth of the cost-per-
 174 student station specified in s. 1013.64(6)(b) for an elementary,
 175 middle, or high school, as appropriate. If the funds
 176 appropriated are not sufficient, the commissioner shall prorate
 177 the available funds among eligible charter schools. However, no
 178 charter school or charter lab school shall receive state charter
 179 school capital outlay funds in excess of the one-fifteenth cost
 180 per student station formula if the charter school's combination
 181 of state charter school capital outlay funds, capital outlay
 182 funds calculated through the reduction in the administrative fee
 183 provided in s. 1002.33(20), and capital outlay funds allowed in
 184 s. 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per
 185 student station formula. Funds shall be distributed on the basis
 186 of the capital outlay full-time equivalent membership by grade
 187 level, which shall be calculated by averaging the results of the
 188 second and third enrollment surveys. The Department of Education
 189 shall distribute capital outlay funds monthly, beginning in the
 190 first quarter of the fiscal year, based on one-twelfth of the
 191 amount the department reasonably expects the charter school to
 192 receive during that fiscal year. The commissioner shall adjust
 193 subsequent distributions as necessary to reflect each charter
 194 school's actual student enrollment as reflected in the second
 195 and third enrollment surveys. The commissioner shall establish
 196 the intervals and procedures for determining the projected and
 197 actual student enrollment of eligible charter schools.

198 (2) A charter school's governing body may use charter
 199 school capital outlay funds for any capital outlay purpose that

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200 is directly related to the functioning of the charter school,
 201 including the following purposes:

202 (a) Purchase of real property.

203 (b) Construction of school facilities.

204 (c) Purchase, lease-purchase, or lease of permanent or
 205 relocatable school facilities.

206 (d) Purchase of vehicles to transport students to and from
 207 the charter school.

208 (e) Renovation, repair, and maintenance of school
 209 facilities that the charter school owns or is purchasing through
 210 a lease-purchase or long-term lease of 5 years or longer.

211
 212 Conversion charter schools may use capital outlay funds received
 213 through the reduction in the administrative fee provided in s.
 214 1002.33(20) for renovation, repair, and maintenance of school
 215 facilities that are owned by the sponsor.

216 ~~(7) Notwithstanding the provisions of this section,~~
 217 ~~beginning in the 2003-2004 fiscal year:~~

218 ~~(a) If the appropriation for charter school capital outlay~~
 219 ~~funds is no greater than the 2002-2003 appropriation, the funds~~
 220 ~~shall be allocated according to the formula outlined in~~
 221 ~~subsection (1) to:~~

222 ~~1. The same schools that received funding in 2002-2003.~~

223 ~~2. Schools that are an expanded feeder pattern of schools~~
 224 ~~that received funding in 2002-2003.~~

225 ~~3. Schools that have an approved charter and are serving~~
 226 ~~students at the start of the 2003-2004 school year and either~~
 227 ~~incurred long-term financial obligations prior to January 31,~~

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228 ~~2003, or began construction on educational facilities prior to~~
 229 ~~December 31, 2002.~~

230 ~~(b) If the appropriation for charter school capital outlay~~
 231 ~~funds is less than the 2002-2003 appropriation, the funds shall~~
 232 ~~be prorated among the schools eligible in paragraph (a).~~

233 ~~(c) If the appropriation for charter school capital outlay~~
 234 ~~funds is greater than the 2002-2003 appropriation, the amount of~~
 235 ~~funds provided in the 2002-2003 appropriation shall be allocated~~
 236 ~~according to paragraph (a). First priority for allocating the~~
 237 ~~amount in excess of the 2002-2003 appropriation shall be to~~
 238 ~~prorate the excess funds among the charter schools with long-~~
 239 ~~term debt or long-term lease to the extent that the initial~~
 240 ~~allocation is insufficient to provide one-fifteenth of the cost~~
 241 ~~per student station specified in s. 1013.64(6)(b), and second~~
 242 ~~priority shall be to other eligible charter schools.~~

243 Section 3. Subsection (2) and paragraph (h) of subsection
 244 (9) of section 1002.32, Florida Statutes, are amended to read:

245 1002.32 Developmental research (laboratory) schools.--

246 (2) ESTABLISHMENT.--There is established a category of
 247 public schools to be known as developmental research
 248 (laboratory) schools (lab schools). Each lab school shall
 249 provide sequential instruction and shall be affiliated with the
 250 college of education within the state university of closest
 251 geographic proximity. A lab school to which a charter has been
 252 issued under s. 1002.33(5)(a)4.2, must be affiliated with the
 253 college of education within the state university that issued the
 254 charter, but is not subject to the requirement that the state
 255 university be of closest geographic proximity. For the purpose
 256 of state funding, Florida Agricultural and Mechanical

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257 University, Florida Atlantic University, Florida State
 258 University, the University of Florida, and other universities
 259 approved by the State Board of Education and the Legislature are
 260 authorized to sponsor a lab school. The limitation of one lab
 261 school per university shall not apply to the following charter
 262 lab schools authorized prior to June 1, 2003: Florida State
 263 University Charter Lab Elementary School in Broward County,
 264 Florida Atlantic University Charter Lab 9-12 High School in Palm
 265 Beach County, and Florida Atlantic University Charter Lab K-12
 266 School in St. Lucie County.

267 (9) FUNDING.--Funding for a lab school, including a
 268 charter lab school, shall be provided as follows:

269 (h) A lab school to which a charter has been issued under
 270 s. 1002.33(5)(a)4.2 is eligible to receive funding for charter
 271 school capital outlay if it meets the eligibility requirements
 272 of s. 1013.62. If the lab school receives funds from charter
 273 school capital outlay, the school shall receive capital outlay
 274 funds otherwise provided in this subsection only to the extent
 275 that funds allocated pursuant to s. 1013.62 are insufficient to
 276 provide capital outlay funds to the lab school at one-fifteenth
 277 of the cost per student station.

278 Section 4. This act shall take effect July 1, 2004.