

By Senator Diaz de la Portilla

36-1675A-04

1 A bill to be entitled
2 An act relating to charter schools; amending s.
3 1002.33, F.S.; revising qualifications for
4 sponsoring a charter school; revising
5 requirements relating to which provisions of
6 the building code and fire safety code charter
7 school facilities must comply with; allowing
8 certain educational impact fees to be allocated
9 to the construction of charter school
10 facilities; requiring a written agreement
11 between the party responsible for paying the
12 impact fees and the local zoning authority that
13 levies the fees; amending provisions relating
14 to the services that a charter school sponsor
15 must provide; amending s. 1013.62, F.S.,
16 relating to capital outlay funding for charter
17 schools; revising eligibility provisions;
18 revising purposes for which such funds may be
19 used; deleting certain provisions relating to
20 allocating capital outlay funds among charter
21 schools; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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

28 1002.33 Charter schools.--

29 (5) SPONSOR; DUTIES.--

30 (a) Sponsoring entities.--

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1 1. A district school board may sponsor a charter
2 school in the county over which the district school board has
3 jurisdiction.

4 2. A community college may sponsor a charter school,
5 within its community college district, on its own or in
6 partnership with an independent postsecondary educational
7 institution.

8 3. A state university may sponsor a charter school on
9 its own or in partnership with an independent postsecondary
10 educational institution.

11 ~~4.2.~~ A state university may grant a charter to a lab
12 school created under s. 1002.32 and shall be considered to be
13 the school's sponsor. Such school shall be considered a
14 charter lab school.

15 (b) Sponsor duties.--

16 1. The sponsor shall monitor and review the charter
17 school in its progress toward the goals established in the
18 charter.

19 2. The sponsor shall monitor the revenues and
20 expenditures of the charter school.

21 3. The sponsor may approve a charter for a charter
22 school before the applicant has secured space, equipment, or
23 personnel, if the applicant indicates approval is necessary
24 for it to raise working capital.

25 4. The sponsor's policies shall not apply to a charter
26 school.

27 5. The sponsor shall ensure that the charter is
28 innovative and consistent with the state education goals
29 established by s. 1000.03(5).

30 6. The sponsor shall ensure that the charter school
31 participates in the state's education accountability system.

1 If a charter school falls short of performance measures
2 included in the approved charter, the sponsor shall report
3 such shortcomings to the Department of Education.

4
5 A community college may work with the school district or
6 school districts in its designated service area to develop
7 charter schools that offer secondary education. These charter
8 schools must include an option for students to receive an
9 associate degree upon high school graduation. District school
10 boards shall cooperate with and assist the community college
11 on the charter application. Community college applications for
12 charter schools are not subject to the time deadlines outlined
13 in subsection (6) and may be approved by the district school
14 board at any time during the year. Community colleges shall
15 not report FTE for any students who receive FTE funding
16 through the Florida Education Finance Program.

17 (18) FACILITIES.--

18 (a) A charter school shall utilize facilities that
19 ~~which~~ comply with the Florida Building Code ~~the State Uniform~~
20 ~~Building Code for Public Educational Facilities Construction~~
21 ~~adopted pursuant to s. 1013.37 or with applicable state~~
22 ~~minimum building codes~~ pursuant to chapter 553 and the Florida
23 Fire Prevention Code ~~state minimum fire protection codes~~
24 pursuant to s. 633.025, as adopted by the authority in whose
25 jurisdiction the facility is located.

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

30 (c) Charter school facilities are not required to
31 ~~shall utilize facilities which~~ comply with section 423 of the

1 Florida Building Code, the "State Requirements for Educational
2 Facilities," adopted pursuant to s. 1013.37 ~~pursuant to~~
3 ~~chapter 553,~~ and the Florida Fire Prevention Code, ~~pursuant to~~
4 ~~chapter 633.~~ The governmental authority that issues the
5 certificate of occupancy for a charter school facility is the
6 sole local governmental entity that has the authority to
7 determine the compliance of the facility with applicable
8 building and safety codes and the authority to schedule and
9 coordinate any required inspections.

10 (d) Charter school facilities are exempt from
11 assessments of fees for building permits, except as provided
12 in s. 553.80, or business licenses and from assessments of
13 impact fees or service availability fees.

14 (e) If a district school board facility or property is
15 available because it is surplus, marked for disposal, or
16 otherwise unused, it shall be provided for a charter school's
17 use on the same basis as it is made available to other public
18 schools in the district. A charter school receiving property
19 from the school district may not sell or dispose of such
20 property without written permission of the school district.
21 Similarly, for an existing public school converting to charter
22 status, no rental or leasing fee for the existing facility or
23 for the property normally inventoried to the conversion school
24 may be charged by the district school board to the parents and
25 teachers organizing the charter school. The charter organizers
26 shall agree to reasonable maintenance provisions in order to
27 maintain the facility in a manner similar to district school
28 board standards. The Public Education Capital Outlay
29 maintenance funds or any other maintenance funds generated by
30 the facility operated as a conversion school shall remain with
31 the conversion school.

1 (f) To the extent that charter school facilities are
2 specifically created to mitigate the educational impact
3 created by the development of new residential dwelling units,
4 any educational impact fees required to be paid in connection
5 with the new residential dwelling units may be designated
6 instead for the construction of the charter school facilities
7 that will mitigate the impact. The party responsible for
8 payment of the educational impact fees and the local zoning
9 authority levying the educational impact fees shall enter into
10 an agreement that designates the educational impact fees that
11 will be allocated for the charter school student stations and
12 ensures the timely and concurrent construction of the charter
13 school student stations.

14 (20) SERVICES.--

15 (a) A sponsor shall provide certain administrative and
16 educational services to charter schools. These services shall
17 include contract management services, full-time equivalent and
18 data reporting services, exceptional student education
19 administration services, test administration services,
20 including the cost of tests required by the state or district,
21 processing of teacher certificate data services, and
22 information services, including equal access to all data
23 management systems that are used by public schools in the
24 school district in which the charter school is located. A
25 total administrative fee for the provision of such services
26 shall be calculated based upon 5 percent of the available
27 funds defined in paragraph (17)(b) for all students. However,
28 a sponsor may only withhold a 5-percent administrative fee for
29 enrollment for up to and including 500 students. For charter
30 schools with a population of 501 or more students, the
31 difference between the total administrative fee calculation

1 and the amount of the administrative fee withheld may ~~only~~ be
2 used only for capital outlay purposes specified in s.
3 1013.62(2).

4 Section 2. Subsections (1) and (2) of section 1013.62,
5 Florida Statutes, are amended, and subsection (7) of that
6 section is repealed, to read:

7 1013.62 Charter schools capital outlay funding.--

8 (1) In each year in which funds are appropriated for
9 charter school capital outlay purposes, the Commissioner of
10 Education shall allocate the funds among eligible charter
11 schools. To be eligible for a funding allocation, a charter
12 school must:

13 (a) Have received capital outlay funding for the
14 2003-2004 school year; or

15 (b)1.a.1. Have been in operation for 3 or more years;

16 b.2. Be an expanded feeder chain of a charter school
17 within the same school district that is currently receiving
18 charter school capital outlay funds; or

19 c.3. Have been accredited by the Commission on Schools
20 of the Southern Association of Colleges and Schools.

21 2.(b) Have financial stability for future operation as
22 a charter school.

23 3.(c) Have satisfactory student achievement based on
24 state accountability standards applicable to the charter
25 school.

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

28 5.(e) Serve students in facilities that are not
29 provided by the charter school's sponsor.

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1 Prior to the release of capital outlay funds to a school
2 district on behalf of the charter school, the Department of
3 Education shall ensure that the district school board and the
4 charter school governing board enter into a written agreement
5 that includes provisions for the reversion of any unencumbered
6 funds and all equipment and property purchased with public
7 education funds to the ownership of the district school board,
8 as provided for in subsection (3), in the event that the
9 school terminates operations. Any funds recovered by the state
10 shall be deposited in the General Revenue Fund. A charter
11 school is not eligible for a funding allocation if it was
12 created by the conversion of a public school and operates in
13 facilities provided by the charter school's sponsor for a
14 nominal fee or at no charge or if it is directly or indirectly
15 operated by the school district. Unless otherwise provided in
16 the General Appropriations Act, the funding allocation for
17 each eligible charter school shall be determined by
18 multiplying the school's projected student enrollment by
19 one-fifteenth of the cost-per-student station specified in s.
20 1013.64(6)(b) for an elementary, middle, or high school, as
21 appropriate. If the funds appropriated are not sufficient, the
22 commissioner shall prorate the available funds among eligible
23 charter schools. However, no charter school or charter lab
24 school shall receive state charter school capital outlay funds
25 in excess of the one-fifteenth cost per student station
26 formula if the charter school's combination of state charter
27 school capital outlay funds, capital outlay funds calculated
28 through the reduction in the administrative fee provided in s.
29 1002.33(20), and capital outlay funds allowed in s.
30 1002.32(9)(e) and (h) exceeds the one-fifteenth cost per
31 student station formula. Funds shall be distributed on the

1 basis of the capital outlay full-time equivalent membership by
2 grade level, which shall be calculated by averaging the
3 results of the second and third enrollment surveys. The
4 Department of Education shall distribute capital outlay funds
5 monthly, beginning in the first quarter of the fiscal year,
6 based on one-twelfth of the amount the department reasonably
7 expects the charter school to receive during that fiscal year.
8 The commissioner shall adjust subsequent distributions as
9 necessary to reflect each charter school's actual student
10 enrollment as reflected in the second and third enrollment
11 surveys. The commissioner shall establish the intervals and
12 procedures for determining the projected and actual student
13 enrollment of eligible charter schools.

14 (2) A charter school's governing body may use charter
15 school capital outlay funds for any capital outlay purpose
16 that is directly related to the functioning of the charter
17 school, including the following purposes:

- 18 (a) Purchase of real property.
19 (b) Construction of school facilities.
20 (c) Purchase, lease-purchase, or lease of permanent or
21 relocatable school facilities.
22 (d) Purchase of vehicles to transport students to and
23 from the charter school.
24 (e) Renovation, repair, and maintenance of school
25 facilities that the charter school owns or is purchasing
26 through a lease-purchase or long-term lease of 5 years or
27 longer.

28
29 Conversion charter schools may use capital outlay funds
30 received through the reduction in the administrative fee
31 provided in s. 1002.33(20) for renovation, repair, and

1 maintenance of school facilities that are owned by the
2 sponsor.

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

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

9 ~~1. The same schools that received funding in~~
10 ~~2002-2003.~~

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

13 ~~3. Schools that have an approved charter and are~~
14 ~~serving students at the start of the 2003-2004 school year and~~
15 ~~either incurred long-term financial obligations prior to~~
16 ~~January 31, 2003, or began construction on educational~~
17 ~~facilities prior to December 31, 2002.~~

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

22 ~~(c) If the appropriation for charter school capital~~
23 ~~outlay funds is greater than the 2002-2003 appropriation, the~~
24 ~~amount of funds provided in the 2002-2003 appropriation shall~~
25 ~~be allocated according to paragraph (a). First priority for~~
26 ~~allocating the amount in excess of the 2002-2003 appropriation~~
27 ~~shall be to prorate the excess funds among the charter schools~~
28 ~~with long-term debt or long-term lease to the extent that the~~
29 ~~initial allocation is insufficient to provide one-fifteenth of~~
30 ~~the cost per student station specified in s. 1013.64(6)(b),~~

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1 ~~and second priority shall be to other eligible charter~~
2 ~~schools.~~

3 Section 3. This act shall take effect July 1, 2004.

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6 SENATE SUMMARY

7 Revises qualifications for sponsoring a charter school.
8 Revises requirements relating to which building code and
9 fire safety code provisions charter school facilities
10 must comply with. Allows certain educational impact fees
11 to be allocated to the construction of charter school
12 facilities. Requires a written agreement between the
13 party responsible for paying the impact fees and the
14 local zoning authority that levies the fees. Amends
15 provisions relating to the services that a charter school
16 sponsor must provide. Amends provisions relating to
17 charter schools' eligibility for capital outlay funds.
18 Amends purposes for which such funds may be used. Deletes
19 certain provisions relating to allocating capital outlay
20 funds among charter schools.
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