

By Senator Rodriguez

37-01163-18

20181554\_\_

1                   A bill to be entitled  
2       An act relating to charter schools; amending s.  
3       1002.33, F.S.; requiring charter schools that receive  
4       capital outlay funding used for certain purposes to  
5       ensure that new facilities comply with the State  
6       Requirements for Educational Facilities of the Florida  
7       Building Code; providing an effective date.

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

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11       Section 1. Paragraph (a) of subsection (18) of section  
12       1002.33, Florida Statutes, is amended to read:

13       1002.33 Charter schools.—

14       (18) FACILITIES.—

15       (a) A startup charter school shall utilize facilities which  
16       comply with the Florida Building Code pursuant to chapter 553  
17       except for the State Requirements for Educational Facilities.  
18       Conversion charter schools shall utilize facilities that comply  
19       with the State Requirements for Educational Facilities provided  
20       that the school district and the charter school have entered  
21       into a mutual management plan for the reasonable maintenance of  
22       such facilities. The mutual management plan shall contain a  
23       provision by which the district school board agrees to maintain  
24       charter school facilities in the same manner as its other public  
25       schools within the district. Charter schools, with the exception  
26       of conversion charter schools, are not required to comply, but  
27       may choose to comply, with the State Requirements for  
28       Educational Facilities of the Florida Building Code adopted  
29       pursuant to s. 1013.37. However, beginning July 1, 2018, a

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30 charter school that receives capital outlay funding that is used  
31 for the construction of new facilities must ensure that the new  
32 facilities comply with the State Requirements for Educational  
33 Facilities of the Florida Building Code. The local governing  
34 authority shall not adopt or impose any local building  
35 requirements or site-development restrictions, such as parking  
36 and site-size criteria, student enrollment, and occupant load,  
37 that are addressed by and more stringent than those found in the  
38 State Requirements for Educational Facilities of the Florida  
39 Building Code. A local governing authority must treat charter  
40 schools equitably in comparison to similar requirements,  
41 restrictions, and site planning processes imposed upon public  
42 schools that are not charter schools. The agency having  
43 jurisdiction for inspection of a facility and issuance of a  
44 certificate of occupancy or use shall be the local municipality  
45 or, if in an unincorporated area, the county governing  
46 authority. If an official or employee of the local governing  
47 authority refuses to comply with this paragraph, the aggrieved  
48 school or entity has an immediate right to bring an action in  
49 circuit court to enforce its rights by injunction. An aggrieved  
50 party that receives injunctive relief may be awarded attorney  
51 fees and court costs.

52 Section 2. This act shall take effect July 1, 2018.