

HB 511

2018

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.
8

9 Be It Enacted by the Legislature of the State of Florida:
10

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
16 which comply with the Florida Building Code pursuant to chapter
17 553 except for the State Requirements for Educational
18 Facilities. Conversion charter schools shall utilize facilities
19 that comply with the State Requirements for Educational
20 Facilities provided that the school district and the charter
21 school have entered into a mutual management plan for the
22 reasonable maintenance of such facilities. The mutual management
23 plan shall contain a provision by which the district school
24 board agrees to maintain charter school facilities in the same
25 manner as its other public schools within the district. Charter

26 | schools, with the exception of conversion charter schools, are
27 | not required to comply, but may choose to comply, with the State
28 | Requirements for Educational Facilities of the Florida Building
29 | Code adopted pursuant to s. 1013.37. However, beginning July 1,
30 | 2018, a charter school that receives capital outlay funding that
31 | is used for the construction of new facilities must ensure that
32 | the new facilities comply with the State Requirements for
33 | Educational Facilities of the Florida Building Code. The local
34 | governing 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

HB 511

2018

51 | fees and court costs.

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