

Bill No. CS for SB 3000, 1st Eng.

Amendment No. ____ Barcode 742844

CHAMBER ACTION

Senate

House

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Senator Bullard moved the following amendment:

Senate Amendment

On page 2, line 17, through
page 8, line 16, delete those lines

and insert:

4. Mitigate the educational impact created by the development of new residential dwelling units in critically sensitive areas, especially rural schools and specialty schools.

(6) APPLICATION PROCESS AND REVIEW.--Beginning September 1, 2003, applications are subject to the following requirements:

(e)1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charter applications ~~charters~~ have been denied, ~~or~~ whose charter contracts have not been renewed or have been terminated by their sponsors, or whose disputes over contract negotiations have not been resolved through

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1 mediation.

2 2. The Charter School Appeal Commission may receive
3 copies of the appeal documents forwarded to the State Board of
4 Education, review the documents, gather other applicable
5 information regarding the appeal, and make a written
6 recommendation to the commissioner. The recommendation must
7 state whether the appeal should be upheld or denied and
8 include the reasons for the recommendation being offered. The
9 commissioner shall forward the recommendation to the State
10 Board of Education no later than 7 calendar days prior to the
11 date on which the appeal is to be heard. The state board must
12 consider the commission's recommendation in making its
13 decision, but is not bound by the recommendation. The decision
14 of the Charter School Appeal Commission is not subject to the
15 provisions of the Administrative Procedure Act, chapter 120.

16 3. The commissioner shall appoint the members of the
17 Charter School Appeal Commission. Members shall serve without
18 compensation but may be reimbursed for travel and per diem
19 expenses in conjunction with their service. One-half of the
20 members must represent currently operating charter schools,
21 and one-half of the members must represent school districts.
22 The commissioner or a named designee shall chair the Charter
23 School Appeal Commission.

24 4. The chair shall convene meetings of the commission
25 and shall ensure that the written recommendations are
26 completed and forwarded in a timely manner. In cases where the
27 commission cannot reach a decision, the chair shall make the
28 written recommendation with justification, noting that the
29 decision was rendered by the chair.

30 5. Commission members shall thoroughly review the
31 materials presented to them from the appellant and the

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1 sponsor. The commission may request information to clarify the
2 documentation presented to it. In the course of its review,
3 the commission may facilitate the postponement of an appeal in
4 those cases where additional time and communication may negate
5 the need for a formal appeal and both parties agree, in
6 writing, to postpone the appeal to the State Board of
7 Education. A new date certain for the appeal shall then be set
8 based upon the rules and procedures of the State Board of
9 Education. Commission members shall provide a written
10 recommendation to the state board as to whether the appeal
11 should be upheld or denied. A fact-based justification for the
12 recommendation must be included. The chair must ensure that
13 the written recommendation is submitted to the State Board of
14 Education members no later than 7 calendar days prior to the
15 date on which the appeal is to be heard. Both parties in the
16 case shall also be provided a copy of the recommendation.

17 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

18 (e) When a charter is not renewed or is terminated,
19 the school shall be dissolved under the provisions of law
20 under which the school was organized, and any unencumbered
21 public funds, except for capital outlay funds, from the
22 charter school shall revert to the district school board.
23 Capital outlay funds provided pursuant to s. 1013.62 that are
24 unencumbered shall revert to the department to be
25 redistributed among eligible charter schools. In the event a
26 charter school is dissolved or is otherwise terminated, all
27 district school board property and improvements, furnishings,
28 and equipment purchased with public funds shall automatically
29 revert to full ownership by the district school board, subject
30 to complete satisfaction of any lawful liens or encumbrances.
31 Any unencumbered public funds from the charter school,

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1 district school board property and improvements, furnishings,
2 and equipment purchased with public funds, or financial or
3 other records pertaining to the charter school, in the
4 possession of any person, entity, or holding company, other
5 than the charter school, shall be held in trust upon the
6 district school board's request, until any appeal status is
7 resolved.

8 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
9 SCHOOLS-IN-A-MUNICIPALITY.--

10 (c) A charter school-in-a-municipality designation may
11 be granted to a municipality that possesses a charter; enrolls
12 students based upon a random lottery that involves all of the
13 children of the residents of that municipality who are seeking
14 enrollment, as provided for in subsection (10); and enrolls
15 students according to the racial/ethnic balance provisions
16 described in subparagraph (7)(a)8. When a municipality has
17 submitted charter applications for the establishment of a
18 charter school feeder pattern, consisting of elementary,
19 middle, and senior high schools, and each individual charter
20 application is approved by the district school board, such
21 schools shall then be designated as one charter school for all
22 purposes listed pursuant to this section. Any portion of the
23 land and facility used for a public charter school shall be
24 exempt from ad valorem taxes, as provided for in s. 1013.54,
25 for the duration of its use as a public school.

26 (18) FACILITIES.--

27 (a) A charter school shall utilize facilities which
28 comply with the Florida State Uniform Building Code pursuant
29 to chapter 553 except for the State Requirements for
30 Educational Facilities. Charter schools are not required to
31 comply, but may choose to comply, with the State Requirements

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1 for Educational Facilities of the Florida Building Code
 2 adopted pursuant to s. 1013.37. The local governing authority
 3 shall not adopt or impose local building requirements or
 4 restrictions that are more stringent than those found in the
 5 Florida Building Code. The agency having jurisdiction for
 6 inspection of a facility and issuance of a certificate of
 7 occupancy shall be the local municipality or, if in an
 8 unincorporated area, the county governing authority for Public
 9 ~~Educational Facilities Construction adopted pursuant to s.~~
 10 ~~1013.37 or with applicable state minimum building codes~~
 11 ~~pursuant to chapter 553 and state minimum fire protection~~
 12 ~~codes pursuant to s. 633.025, as adopted by the authority in~~
 13 ~~whose jurisdiction the facility is located.~~

14 (b) A charter school shall utilize facilities that
 15 comply with the Florida Fire Prevention Code, pursuant to s.
 16 633.025, as adopted by the authority in whose jurisdiction the
 17 facility is located as provided in paragraph (a).

18 ~~(c)(b)~~ Any facility, or portion thereof, used to house
 19 a charter school whose charter has been approved by the
 20 sponsor and the governing board, pursuant to subsection (7),
 21 shall be exempt from ad valorem taxes pursuant to s. 196.1983.

22 ~~(c) Charter school facilities shall utilize facilities~~
 23 ~~which comply with the Florida Building Code, pursuant to~~
 24 ~~chapter 553, and the Florida Fire Prevention Code, pursuant to~~
 25 ~~chapter 633.~~

26 (d) Charter school facilities are exempt from
 27 assessments of fees for building permits, except as provided
 28 in s. 553.80, and for building licenses and from assessments
 29 of impact fees or service availability fees.

30 (e) If a district school board facility or property is
 31 available because it is surplus, marked for disposal, or

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1 otherwise unused, it shall be provided for a charter school's
2 use on the same basis as it is made available to other public
3 schools in the district. A charter school receiving property
4 from the school district may not sell or dispose of such
5 property without written permission of the school district.
6 Similarly, for an existing public school converting to charter
7 status, no rental or leasing fee for the existing facility or
8 for the property normally inventoried to the conversion school
9 may be charged by the district school board to the parents and
10 teachers organizing the charter school. The charter organizers
11 shall agree to reasonable maintenance provisions in order to
12 maintain the facility in a manner similar to district school
13 board standards. The Public Education Capital Outlay
14 maintenance funds or any other maintenance funds generated by
15 the facility operated as a conversion school shall remain with
16 the conversion school.

17 (f) To the extent that charter school facilities are
18 specifically created to mitigate the educational impact
19 created by the development of new residential dwelling units
20 in critically sensitive areas, especially rural schools and
21 specialty schools, pursuant to subparagraph (2)(c)4., some of
22 or all of the educational impact fees required to be paid in
23 connection with the new residential dwelling units in a
24 critically sensitive area may be designated instead for the
25 construction of the charter school facilities that will
26 mitigate the student station impact. Such facilities shall be
27 built to the State Requirements for Educational Facilities and
28 shall be owned by a public or nonprofit entity. The local
29 school district retains the right to monitor and inspect such
30 facilities to ensure compliance with the State Requirements
31 for Educational Facilities. If a facility ceases to be used

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1 for public educational purposes, either the facility shall
2 revert to the school district subject to any debt owed on the
3 facility, or the owner of the facility shall have the option
4 to refund all educational impact fees utilized for the
5 facility to the school district. The district and the owner of
6 the facility may contractually agree to another arrangement
7 for the facilities if the facilities cease to be used for
8 educational purposes. The owner of property planned or
9 approved for new residential dwelling units in a critically
10 sensitive area and the entity levying educational impact fees
11 shall enter into an agreement that designates the educational
12 impact fees that will be allocated for the charter school
13 student stations and that ensures the timely construction of
14 the charter school student stations concurrent with the
15 expected occupancy of the residential units. The application
16 for use of educational impact fees shall include an approved
17 charter school application. To assist the school district in
18 forecasting student station needs, the entity levying the
19 impact fees shall notify the affected district of any
20 agreements it has approved for the purpose of mitigating
21 student station impact from the new residential dwelling
22 units.

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