

1  
2 An act relating to charter schools; amending s.  
3 1002.33, F.S.; revising authorized purposes of  
4 charter schools; providing for appeals under  
5 certain circumstances; providing for reversion  
6 of capital outlay funds to the Department of  
7 Education under certain circumstances;  
8 providing for designation as one charter school  
9 of schools in a charter school feeder pattern  
10 under certain circumstances; revising  
11 provisions relating to facility compliance with  
12 building construction standards; clarifying  
13 Florida Building Code and Florida Fire  
14 Prevention Code compliance requirements for  
15 charter schools; clarifying jurisdiction for  
16 inspections; providing an exemption from  
17 assessment of certain fees; providing for use  
18 of educational impact fees; requiring an  
19 agreement relating to allocation and use of  
20 impact fees; requiring a charter school sponsor  
21 to provide additional services; prohibiting  
22 certain fees or surcharges for certain  
23 services; revising provisions relating to  
24 contracts for goods and services; requiring a  
25 study of transportation issues by the  
26 department; amending s. 1002.32, F.S.;  
27 correcting the name of a charter lab school;  
28 revising provisions relating to the allocation  
29 of lab school funds from the Florida Education  
30 Finance Program; providing for severability;  
31 providing an effective date.

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

2

3 Section 1. Paragraph (c) of subsection (2), paragraph  
4 (e) of subsection (6), paragraph (e) of subsection (8),  
5 paragraph (c) of subsection (15), subsection (18), and  
6 paragraphs (a) and (b) of subsection (20) of section 1002.33,  
7 Florida Statutes, are amended to read:

8 1002.33 Charter schools.--

9 (2) GUIDING PRINCIPLES; PURPOSE.--

10 (c) Charter schools may fulfill the following  
11 purposes:

12 1. Create innovative measurement tools.

13 2. Provide rigorous competition within the public  
14 school district to stimulate continual improvement in all  
15 public schools.

16 3. Expand the capacity of the public school system.

17 4. Mitigate the educational impact created by the  
18 development of new residential dwelling units.

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

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

30 2. The Charter School Appeal Commission may receive  
31 copies of the appeal documents forwarded to the State Board of

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

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

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

27         5. Commission members shall thoroughly review the  
28 materials presented to them from the appellant and the  
29 sponsor. The commission may request information to clarify the  
30 documentation presented to it. In the course of its review,  
31 the commission may facilitate the postponement of an appeal in

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

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

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

1 possession of any person, entity, or holding company, other  
2 than the charter school, shall be held in trust upon the  
3 district school board's request, until any appeal status is  
4 resolved.

5 (15) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER  
6 SCHOOLS-IN-A-MUNICIPALITY.--

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

23 (18) FACILITIES.--

24 (a) A charter school shall utilize facilities which  
25 comply with the ~~Florida State Uniform~~ Building Code pursuant  
26 to chapter 553 except for the State Requirements for  
27 Educational Facilities. Charter schools are not required to  
28 comply, but may choose to comply, with the State Requirements  
29 for Educational Facilities of the Florida Building Code  
30 adopted pursuant to s. 1013.37. The local governing authority  
31 shall not adopt or impose local building requirements or

1 restrictions that are more stringent than those found in the  
2 Florida Building Code. The agency having jurisdiction for  
3 inspection of a facility and issuance of a certificate of  
4 occupancy shall be the local municipality or, if in an  
5 unincorporated area, the county governing authority for Public  
6 ~~Educational Facilities Construction adopted pursuant to s.~~  
7 ~~1013.37 or with applicable state minimum building codes~~  
8 ~~pursuant to chapter 553 and state minimum fire protection~~  
9 ~~codes pursuant to s. 633.025, as adopted by the authority in~~  
10 ~~whose jurisdiction the facility is located.~~

11 (b) A charter school shall utilize facilities that  
12 comply with the Florida Fire Prevention Code, pursuant to s.  
13 633.025, as adopted by the authority in whose jurisdiction the  
14 facility is located as provided in paragraph (a).

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

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

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

27 (e) If a district school board facility or property is  
28 available because it is surplus, marked for disposal, or  
29 otherwise unused, it shall be provided for a charter school's  
30 use on the same basis as it is made available to other public  
31 schools in the district. A charter school receiving property

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

14 (f) To the extent that charter school facilities are  
15 specifically created to mitigate the educational impact  
16 created by the development of new residential dwelling units,  
17 pursuant to subparagraph (2)(c)4., some of or all of the  
18 educational impact fees required to be paid in connection with  
19 the new residential dwelling units may be designated instead  
20 for the construction of the charter school facilities that  
21 will mitigate the student station impact. Such facilities  
22 shall be built to the State Requirements for Educational  
23 Facilities and shall be owned by a public or nonprofit entity.  
24 The local school district retains the right to monitor and  
25 inspect such facilities to ensure compliance with the State  
26 Requirements for Educational Facilities. If a facility ceases  
27 to be used for public educational purposes, either the  
28 facility shall revert to the school district subject to any  
29 debt owed on the facility, or the owner of the facility shall  
30 have the option to refund all educational impact fees utilized  
31 for the facility to the school district. The district and the

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

17 (20) SERVICES.--

18 (a) A sponsor shall provide certain administrative and  
19 educational services to charter schools. These services shall  
20 include contract management services;i<sup>7</sup> full-time equivalent  
21 and data reporting services;i<sup>7</sup> exceptional student education  
22 administration services;i<sup>7</sup> test administration services,l  
23 including payment of the costs of state-required or  
24 district-required student assessments;i<sup>7</sup> processing of teacher  
25 certificate data services;i<sup>7</sup> and information services,l  
26 including equal access to student information systems that are  
27 used by public schools in the district in which the charter  
28 school is located. A total administrative fee for the  
29 provision of such services shall be calculated based upon 5  
30 percent of the available funds defined in paragraph (17)(b)  
31 for all students. However, a sponsor may only withhold a



1 5-percent administrative fee for enrollment for up to and  
2 including 500 students. For charter schools with a population  
3 of 501 or more students, the difference between the total  
4 administrative fee calculation and the amount of the  
5 administrative fee withheld may only be used for capital  
6 outlay purposes specified in s. 1013.62(2). Sponsors shall not  
7 charge charter schools any additional fees or surcharges for  
8 administrative and educational services in addition to the  
9 5-percent administrative fee withheld pursuant to this  
10 paragraph.

11 (b) If goods and services are made available to the  
12 charter school through the contract with the school district,  
13 they shall be provided to the charter school at a rate no  
14 greater than the district's actual cost unless mutually agreed  
15 upon by the charter school and the sponsor in a contract  
16 negotiated separately from the charter. When mediation has  
17 failed to resolve disputes over contracted services or  
18 contractual matters not included in the charter, an appeal may  
19 be made for a dispute resolution hearing before the Charter  
20 School Appeal Commission. To maximize the use of state funds,  
21 school districts shall allow charter schools to participate in  
22 the sponsor's bulk purchasing program if applicable.

23 Section 2. The Department of Education shall conduct a  
24 study of transportation issues as they relate to charter  
25 schools, including, but not limited to, full-time equivalent  
26 and data reporting services with respect to transportation;  
27 the impact that transporting charter school students has on a  
28 school district's average bus occupancy and the feasibility of  
29 calculating average bus occupancy separately for charter  
30 schools and school districts; and the additional costs of  
31 transporting students who choose not to attend conversion

1 charter schools. The results of the study shall be presented  
2 to the President of the Senate, the Speaker of the House of  
3 Representatives, and the Charter School Appeal Commission no  
4 later than November 1, 2004, for a public hearing and  
5 development of legislative recommendations.

6 Section 3. Subsection (2) and paragraph (a) of  
7 subsection (9) of section 1002.32, Florida Statutes, are  
8 amended to read:

9 1002.32 Developmental research (laboratory) schools.--

10 (2) ESTABLISHMENT.--There is established a category of  
11 public schools to be known as developmental research  
12 (laboratory) schools (lab schools). Each lab school shall  
13 provide sequential instruction and shall be affiliated with  
14 the college of education within the state university of  
15 closest geographic proximity. A lab school to which a charter  
16 has been issued under s. 1002.33(5)(a) 2. must be affiliated  
17 with the college of education within the state university that  
18 issued the charter, but is not subject to the requirement that  
19 the state university be of closest geographic proximity. For  
20 the purpose of state funding, Florida Agricultural and  
21 Mechanical University, Florida Atlantic University, Florida  
22 State University, the University of Florida, and other  
23 universities approved by the State Board of Education and the  
24 Legislature are authorized to sponsor a lab school. The  
25 limitation of one lab school per university shall not apply to  
26 the following charter lab schools authorized prior to June 1,  
27 2003: Florida State University Charter Lab K-12 ~~Elementary~~  
28 School in Broward County, Florida Atlantic University Charter  
29 Lab 9-12 High School in Palm Beach County, and Florida  
30 Atlantic University Charter Lab K-12 School in St. Lucie  
31 County.

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

3           (a) Each lab school shall be allocated its  
4 proportional share of operating funds from the Florida  
5 Education Finance Program as provided in s. 1011.62 based on  
6 the county in which the lab school is located and the General  
7 Appropriations Act. The nonvoted ad valorem millage that would  
8 otherwise be required for lab schools shall be allocated from  
9 state funds. The required local effort funds calculated  
10 pursuant to s. 1011.62 shall be allocated from state funds to  
11 the schools as a part of the allocation of operating funds  
12 pursuant to s. 1011.62. Each eligible lab school in operation  
13 as of September 1, 2002, shall also receive a proportional  
14 share of the sparsity supplement as calculated pursuant to s.  
15 1011.62. In addition, each lab school shall receive its  
16 proportional share of all categorical funds, with the  
17 exception of s. 1011.68, and new categorical funds enacted  
18 after July 1, 1994, for the purpose of elementary or secondary  
19 academic program enhancement. The sum of funds available as  
20 provided in this paragraph shall be included annually in the  
21 Florida Education Finance Program and appropriate categorical  
22 programs funded in the General Appropriations Act.

23           Section 4. If any provision of this act or the  
24 application thereof to any person or circumstance is held  
25 invalid, the invalidity shall not affect other provisions or  
26 applications of the act which can be given effect without the  
27 invalid provision or application, and to this end the  
28 provisions of this act are declared severable.

29           Section 5. This act shall take effect July 1, 2004.  
30  
31