

By Senator Garcia

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; requiring that an independent third party audit
4 the random selection process for admission to a
5 charter school; establishing terms for the selection
6 of an auditor; providing for applicability;
7 authorizing a district school board to make certain
8 surplus property available to a charter school;
9 authorizing a district school board to negotiate a
10 usage fee for the charter school; prohibiting a
11 charter school from re-leasing or subleasing district
12 surplus property without authorization from the
13 district school board; authorizing the lease to
14 provide for use of specified funds under certain
15 circumstances; amending s. 1013.37, F.S.; authorizing
16 the Commissioner of Education to authorize certain
17 exemptions to the Florida Building Code upon a
18 district school board's request; specifying the
19 contents of a request; amending s. 1013.62, F.S.;
20 providing that a charter school that has a
21 deteriorating financial condition is ineligible for
22 capital outlay funding; providing an effective date.

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

25
26 Section 1. Paragraph (b) of subsection (10) and paragraph
27 (e) of subsection (18) of section 1002.33, Florida Statutes, are
28 amended to read:

29 1002.33 Charter schools.—

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(10) ELIGIBLE STUDENTS.—

(b) During the initial selection process and prior to each new school year, the charter school shall enroll each an eligible student who submits a timely application. However, if ~~unless~~ the number of applications exceeds the capacity of a program, class, grade level, or building, ~~in such case,~~ all applicants shall be afforded ~~have~~ an equal chance of being admitted through a random selection process. The selection process must be audited by an independent third party chosen by the sponsor or charter school and observed by the sponsor or a third party mutually agreed to by the charter school and sponsor. The charter school shall choose the method of auditing the selection process.

(18) FACILITIES.—

(e) If a district school board facility or property is available because the district school board has deemed it to be ~~is~~ surplus, marked for disposal, or otherwise unused as determined by the local school board and the facility is appropriated for student instruction, it may ~~shall~~ be made available ~~provided~~ for a charter school's use based on eligibility criteria determined by the district school board ~~on the same basis as it is made available to other public schools in the district.~~ The district school board may negotiate an appropriate usage fee not to exceed fair market value. A charter school that leases ~~receiving~~ property from the school district may not re-lease, sublease, sell, or dispose of such property without written permission of the school district. ~~Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the~~

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59 ~~property normally inventoried to the conversion school may be~~
60 ~~charged by the district school board to the parents and teachers~~
61 ~~organizing the charter school.~~ The charter school shall agree to
62 reasonable maintenance provisions in order to maintain the
63 facility in a manner similar to district school board standards.
64 The lease may provide for use of the Public Education Capital
65 Outlay maintenance funds or any other maintenance funds if
66 consistent with the district's 5-year work plan generated by the
67 ~~facility operated as a conversion school shall remain with the~~
68 ~~conversion school.~~

69 Section 2. Subsection (3) of section 1013.37, Florida
70 Statutes, is amended to read:

71 1013.37 State uniform building code for public educational
72 facilities construction.—

73 (3) REVIEW PROCEDURE.—The Commissioner of Education shall
74 cooperate with the Florida Building Commission in addressing all
75 questions, disputes, or interpretations involving ~~the provisions~~
76 ~~of~~ the Florida Building Code which govern the construction of
77 public educational and ancillary facilities, and any objections
78 to decisions made by the inspectors or the department must be
79 submitted in writing. Upon a request from a district school
80 board, the Commissioner of Education may authorize exemptions to
81 section 423 of the Florida Building Code for the State
82 Requirements for Educational Facilities. Such request must
83 provide a cost-benefit analysis. A comprehensive request for all
84 facilities may be made by a district school board. A district
85 school board shall comply with all other applicable provisions
86 of the Florida Building Code and Fire Prevention Code for new
87 construction, remodeling, and renovation projects.

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88 Section 3. Paragraph (a) of subsection (1) of section
89 1013.62, Florida Statutes, is amended to read:

90 1013.62 Charter schools capital outlay funding.-

91 (1) In each year in which funds are appropriated for
92 charter school capital outlay purposes, the Commissioner of
93 Education shall allocate the funds among eligible charter
94 schools.

95 (a) To be eligible for a funding allocation, a charter
96 school must:

97 1.a. Have been in operation for 3 or more years;

98 b. Be governed by a governing board established in the
99 state for 3 or more years which operates both charter schools
100 and conversion charter schools within the state;

101 c. Be an expanded feeder chain of a charter school within
102 the same school district that is currently receiving charter
103 school capital outlay funds;

104 d. Have been accredited by the Commission on Schools of the
105 Southern Association of Colleges and Schools; or

106 e. Serve students in facilities that are provided by a
107 business partner for a charter school-in-the-workplace pursuant
108 to s. 1002.33(15) (b).

109 2. Have financial stability for future operation as a
110 charter school. A charter school is ineligible if it is
111 determined to have a deteriorating financial condition as
112 provided in s. 1002.345.

113 3. Have satisfactory student achievement based on state
114 accountability standards applicable to the charter school.

115 4. Have received final approval from its sponsor pursuant
116 to s. 1002.33 for operation during that fiscal year.

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117 5. Serve students in facilities that are not provided by
118 the charter school's sponsor.

119 Section 4. This act shall take effect July 1, 2014.