

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Secondary Education &
 2 Career Development Subcommittee
 3 Representative Rizo offered the following:

Amendment (with directory and title amendments)

Remove lines 315-431 and insert:

(9) CHARTER SCHOOL REQUIREMENTS.—

(p)1. Each charter school shall maintain a website that
 enables the public to obtain information regarding the school;
 the school's academic performance; the names of the governing
 board members; the programs at the school; any management
 companies, service providers, or education management
 corporations associated with the school; the school's annual
 budget and its annual independent fiscal audit; the school's
 grade pursuant to s. 1008.34; and, on a quarterly basis, the
 minutes of governing board meetings.

664991 - h0865 line 315.docx

Published On: 1/26/2022 6:11:00 PM

Amendment No. 2

17 2. Each charter school's governing board must appoint a
18 representative to facilitate parental involvement, provide
19 access to information, assist parents and others with questions
20 and concerns, and resolve disputes. The representative must
21 reside in the school district in which the charter school is
22 located and may be a governing board member, a charter school
23 employee, or an individual contracted to represent the governing
24 board. If the governing board oversees multiple charter schools
25 in the same school district, the governing board must appoint a
26 separate representative for each charter school in the district.
27 The representative's contact information must be provided
28 annually in writing to parents and posted prominently on the
29 charter school's website. The sponsor may not require governing
30 board members to reside in the school district in which the
31 charter school is located if the charter school complies with
32 this subparagraph.

33 3. Each charter school's governing board must hold at
34 least two public meetings per school year in the school district
35 where the charter school is located. The meetings must be
36 noticed, open, and accessible to the public, and attendees must
37 be provided an opportunity to receive information and provide
38 input regarding the charter school's operations. The appointed
39 representative and charter school principal or director, or his
40 or her designee, must be physically present at each meeting.
41 Members of the governing board or any member of a committee

Amendment No. 2

42 formed or designated by the governing board may attend in person
43 or by means of communications media technology used in
44 accordance with rules adopted by the Administration Commission
45 under s. 120.54(5).

46 (18) FACILITIES.—

47 (a) A startup charter school shall utilize facilities
48 which comply with the Florida Building Code pursuant to chapter
49 553 except for the State Requirements for Educational
50 Facilities. Conversion charter schools shall utilize facilities
51 that comply with the State Requirements for Educational
52 Facilities provided that the school district and the charter
53 school have entered into a mutual management plan for the
54 reasonable maintenance of such facilities. The mutual management
55 plan shall contain a provision by which the district school
56 board agrees to maintain charter school facilities in the same
57 manner as its other public schools within the district. Charter
58 schools, with the exception of conversion charter schools, are
59 not required to comply, but may choose to comply, with the State
60 Requirements for Educational Facilities of the Florida Building
61 Code adopted pursuant to s. 1013.37. The local governing
62 authority shall not adopt or impose any local building
63 requirements or site-development restrictions, such as parking
64 and site-size criteria, student enrollment, and occupant load,
65 that are addressed by and more stringent than those found in the
66 State Requirements for Educational Facilities of the Florida

664991 - h0865 line 315.docx

Published On: 1/26/2022 6:11:00 PM

Amendment No. 2

67 Building Code. A local governing authority must treat charter
68 schools equitably in comparison to similar requirements,
69 restrictions, and site planning processes imposed upon public
70 schools that are not charter schools. A charter school shall not
71 be subject to any land use regulation requiring a change to a
72 local government comprehensive plan or requiring a Development
73 Order or Development Permit, as defined in s. 163.3164, that
74 would not be required for a public school in the same location.
75 The agency having jurisdiction for inspection of a facility and
76 issuance of a certificate of occupancy or use shall be the local
77 municipality or, if in an unincorporated area, the county
78 governing authority. If ~~a~~ public official or employee, ~~or of~~
79 the local governing authority refuses to comply with this
80 paragraph, the aggrieved school or entity, or a charter school
81 membership association or charter management organization has
82 standing and an immediate right to bring an expedited action in
83 circuit court to enforce its rights by a declaratory action,
84 including injunctive relief ~~injunction~~. An aggrieved party that
85 receives ~~injunctive~~ declaratory relief may be awarded attorney
86 fees and court costs.

87 (c) Any property, facility, or portion thereof, utilized
88 by used to house a charter school whose charter has been
89 approved by the sponsor and the governing board, pursuant to
90 subsection (7), ~~is shall be~~ exempt from ad valorem taxes
91 pursuant to s. 196.1983. Library, community service, museum,

Amendment No. 2

92 performing arts, theatre, cinema, church, college, any facility
93 or land owned by a Florida College System institution,~~college,~~
94 ~~and or university facilities,~~ similar public institutional
95 facilities, and any facility recently used to house a school or
96 child care center may provide space to charter schools within
97 their facilities under their preexisting zoning and land use
98 designations without obtaining a special exception, rezoning, or
99 a land use change.

100 (f) To the extent that charter school facilities are
101 specifically created to mitigate the educational impact created
102 by the development of new residential dwelling units, pursuant
103 to subparagraph (2)(c)4., ~~some of or all~~ a proportionate share
104 of costs per student station of the educational impact fees
105 required to be paid in connection with the new residential
106 dwelling units must ~~may~~ be designated ~~instead~~ for the
107 construction of the charter school facilities that will mitigate
108 the student station impact. Such facilities shall be built to
109 the State Requirements for Educational Facilities and shall be
110 owned by a public or nonprofit entity. The local school district
111 retains the right to monitor and inspect such facilities to
112 ensure compliance with the State Requirements for Educational
113 Facilities. If a facility ceases to be used for public
114 educational purposes, either the facility shall revert to the
115 school district subject to any debt owed on the facility, or the
116 owner of the facility shall have the option to refund all

664991 - h0865 line 315.docx

Published On: 1/26/2022 6:11:00 PM

Amendment No. 2

117 educational impact fees utilized for the facility to the school
118 district. The district and the owner of the facility may
119 contractually agree to another arrangement for the facilities if
120 the facilities cease to be used for educational purposes. The
121 owner of property planned or approved for new residential
122 dwelling units and the entity levying educational impact fees
123 shall enter into an agreement that designates the educational
124 impact fees that will be allocated for the charter school
125 student stations and that ensures the timely construction of the
126 charter school student stations concurrent with the expected
127 occupancy of the residential units. The application for use of
128 educational impact fees shall include an approved charter school
129 application. To assist the school district in forecasting
130 student station needs, the entity levying the impact fees shall
131 notify the affected district of any agreements it has approved
132 for the purpose of mitigating student station impact from the
133 new residential dwelling units.

134 Section 3. (1) The Office of Program Policy Analysis and
135 Government Accountability shall conduct an analysis of the
136 current methodologies for the distribution of capital outlay
137 funds to charter schools. Based on its analysis, the office
138 shall recommend any changes to provide an equitable allocation
139 of capital outlay funds for all public schools. The analysis
140 must include, at a minimum:

Amendment No. 2

141 (a) An analysis of the calculation methodology for the
142 allocation of state funds appropriated in the General
143 Appropriations Act under s. 1013.62(2), Florida Statutes.

144 (b) An analysis of the calculation methodology to
145 determine the amount of revenue that a school district must
146 distribute to a charter school under s. 1013.62(3), Florida
147 Statutes.

148 (c) For the most recent three years, a comparison of the
149 charter school capital outlay amounts between the allocation of
150 state funds and revenue that would result from the discretionary
151 millage authorized under s. 1011.71(2), Florida Statutes.

152 (d) Other state policies and methodologies for the
153 distribution of charter school capital outlay funds.

154 (2) The office shall submit a report of its findings and
155 recommendations to the Governor, the President of the Senate,
156 and the Speaker of the House of Representatives by January 1,
157 2023.

158
159 -----
160 **D I R E C T O R Y A M E N D M E N T**

161 Remove line 73 and insert:
162 of subsection (8), paragraph (p) of subsection (9), and
163 paragraphs (a), (c), and (f) of subsection (18)

Amendment No. 2

166 **T I T L E A M E N D M E N T**
167 Remove lines 30-39 and insert:
168 for nonrenewal or termination of a charter; authorizing
169 members of certain committees of a charter school governing
170 board to attend meetings in person or through the use of
171 communications media technology; prohibiting a charter school
172 from being subject to any land use regulation requiring a change
173 to select plans for which a school district would not be
174 required to; providing that specified organizations may bring
175 actions against select entities in violation of agreement;
176 providing for the award of reasonable attorney fees and court
177 costs; providing that any facility may provide space to charter
178 schools under its existing zoning and land use designations
179 without obtaining a special exception, rezoning, or a land use
180 change; requiring, rather than authorizing, certain educational
181 impact fees to be designated for the construction of certain
182 charter school facilities; requiring the Office of Program
183 Policy Analysis and Government Accountability to conduct an
184 analysis of charter school capital outlay and submit a report to
185 the Governor and the Legislature by a specified date; providing
186 an