

RESOLUTION NO. 2011-16

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3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO STATE
5 LEGISLATIVE AGENDA; REQUESTING THE LEGISLATURE TO
6 MODIFY SECTION 1002.33 RELATING TO CHARTER SCHOOLS TO
7 REQUIRE CHARTER SCHOOLS TO COMPLY WITH THE PHYSICAL
8 REQUIREMENTS FOR CONSTRUCTION AS ARE REQUIRED FOR
9 PUBLIC SCHOOLS, TO REQUIRE ALL ATHLETIC FIELDS
10 REQUIRED OF PUBLIC SCHOOLS; TO COMPLY WITH THE STATE
11 CONSTITUTIONAL MANDATE ON CLASS SIZE; TO REQUIRE THE
12 CHARTER SCHOOLS TO PROVIDE TRANSPORTATION TO
13 STUDENTS; TO REQUIRE AN INDEPENDENT AUDIT OF ALL
14 CHARTER SCHOOL PARTICIPANTS - INCLUDING THE FOR
15 PROFIT AND THE NON-PROFIT ARMS OF INDIVIDUAL CHARTER
16 SCHOOLS; AND TO MODIFY SUBSECTION (18)(C) RELATING TO
17 PROVIDING CHARTER SCHOOLS SPACE IN EXISTING LIBRARY,
18 COMMUNITY ROOMS, PERFORMING ARTS, THEATER
19 AUDITORIUMS, CINEMA, AND OR CHURCH FACILITIES UNDER
20 PREEXISTING ZONING AND LAND USE - WHILE ONLY
21 REQUIRING MINIMUM COMPLIANCE WITH THE FLORIDA
22 BUILDING CODE AND FIRE DEPARTMENT REGULATIONS;
23 PROVIDING AN EFFECTIVE DATE. [Sponsored by Mayor Shelley
24 Stanczyk].
25

26 WHEREAS, Palmetto Bay recognizes and promotes the importance of quality education
27 and educational facilities for all children; and,
28

29 WHEREAS, Charter Schools provide important options in education for many communities
30 who desire them; and,
31

32 WHEREAS, the State Legislature has recognized charter schools as public schools but has
33 exempted the charter schools from many of the criteria required for public schools; and,
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35 WHEREAS, charter schools do not have to comply with the state mandated class size
36 amendments and our children's education must be protected and the voters have spoken and require
37 smaller class sizes; and,
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39 WHEREAS, charter schools are only required to comply with the minimum requirements of
40 the Florida Building Code and Fire Code and the safety of our children should be our first and
41 foremost concern and as such charter schools should be held to the same standard as traditional
42 public schools; and,
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1 WHEREAS, charter schools do not have to provide the same level of athletic fields and
2 open space as are required of traditional public schools, our children are facing issues of obesity and
3 a general lack of adequate athletic facilities; and,
4

5 WHEREAS, charter schools often seek to enter into use agreements with local
6 municipalities to use municipal parks to meet the athletic needs of the charter school students, and
7 as a result the economies of local municipalities are being burdened by the over use of local
8 municipal staff, and increasing costs of maintenance and insurance thus creating a financial
9 detriment to small communities; and,
10

11 WHEREAS, most charter schools require parents/guardians to sign a contract with the
12 charter school in which the school is relieved of any responsibility to provide transportation to the
13 student population (unlike traditional public schools), thus burdening local services and requiring
14 parents to coordinate other transportation means for their children, thus creating additional traffic to
15 local communities through the use of "single-passenger" vehicles rather than mass transit of
16 students; and,
17

18 WHEREAS, currently charter schools obtain a charter as a non-profit corporation, but hire
19 a traditional "for profit" entity to manage the charter school, and the "for profit" entity has no
20 contractual privity with the state or school board thus eliminating transparency and the ability to
21 hold the "for profit" accountable, thus the "for profit entity" should be held accountable, be
22 required to be subject to independent audit and examination; and,
23

24 WHEREAS, charter schools should be held accountable for funding of public student
25 enrollment, on a on a monthly basis to the school board; and,
26

27 WHEREAS, charter schools, whether for profit or non-profit portion of the administration,
28 should be required to comply with all state screening, including but not limited to criminal
29 background screening requirements of its staff, administration, instructors and vendors; and,
30

31 WHEREAS, the state has created language at 1002.33(18)(c), Florida Statutes, specifically
32 authorizes charter schools to use space in existing library, community rooms, performing arts,
33 theater auditoriums, cinema, and or church facilities under preexisting zoning and land use – while
34 only requiring minimum compliance with the Florida building code and fire department regulations;
35 and,
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37 WHEREAS, subsection (18)(c), appears to provide a very liberal provision offered to charter
38 schools and no other entity, and such language can cause zoning and building issues within local
39 jurisdictions; and,
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41 WHEREAS, the Mayor and Village Council desire to lobby the state legislature to modify
42 these provisions of Chapter 1002, relating to charter schools.
43

44 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE
45 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

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2 Section 1. The above whereas clauses are incorporated by reference.

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4 Section 2. This resolution shall take effect immediately upon approval.

5 Section 3. The Village Clerk shall provide executed copies of this resolution to the
6 Village's lobbyist, and to the Florida Legislature, the Mayor of Miami-Dade County, each member of
7 the Miami-Dade Board of County Commissioners, as well as each municipal clerk in Miami-Dade
8 County for the purpose of distributing copies to members of their respective governing councils.
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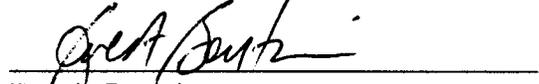
10 PASSED and ADOPTED this 7th day of March, 2011.

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12 Attest:


13 Meghan Alexander
14 Village Clerk


15 Shelley Stanczyk
16 Mayor

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18 APPROVED AS TO FORM:

19 
20 _____
21 Eve A. Boutsis
22 Village Attorney

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24
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26 FINAL VOTE AT ADOPTION:

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28 Council Member Patrick Fiore YES
29
30 Council Member Howard J. Tendrich YES
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32 Council Member Joan Lindsay YES
33
34 Vice-Mayor Brian W. Pariser YES
35
36 Mayor Shelley Stanczyk. YES
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