

Office of Superintendent of Schools
Board Meeting of July 10, 2002

July 8, 2002

Education
Mercedes Toural, Associate Superintendent

SUBJECT: REQUEST FOR AUTHORIZATION FOR THE SUPERINTENDENT TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR ENFORCEMENT OF BUILDING, FIRE, ZONING, AND LAND USE REGULATIONS IN CONNECTION WITH CHARTER SCHOOLS

Authorization is requested for the Superintendent to enter into an interlocal agreement with Miami-Dade County for enforcement of building, fire, zoning, and land use regulations in connection with charter schools.

Section 228.056, Florida Statutes, Charter Schools, authorizes the creation of charter schools as part of the state's program of public education. It is the intent of this agreement to ensure that the use of charter schools is consistent with the Florida Building Code, as set forth in Section 228.056(17), Florida Statutes, and with applicable regulatory requirements relating to use and occupancy of school facilities.

Miami-Dade County, through its Building Department and its Department of Planning and Zoning, has jurisdiction over the permitting, inspection and occupancy of structures and land use within unincorporated Miami-Dade County.

The parties, jointly committed to the protection of the health, safety and welfare of the students and other occupants of charter school facilities, enter into this Agreement for the purpose of promoting the enforcement of building, fire prevention, zoning and land use regulations, and clarifying each party's respective rights and obligations.

Mr. Steve Shiver, County Manager, will serve as the liaison between Miami-Dade County and the District.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to enter into an interlocal agreement with Miami-Dade County for enforcement of building, fire, zoning, and land use regulations in connection with charter schools.

MB:lbl

REPLACEMENT

B-10

INTERLOCAL AGREEMENT FOR ENFORCEMENT OF BUILDING
AND LAND USE REGULATIONS IN CONNECTION
WITH CHARTER SCHOOLS

THIS AGREEMENT is entered into this _____ day of _____, 2002 by and between THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (the "School Board") and MIAMI-DADE COUNTY, a political subdivision of the State of Florida (the County), by and through their respective duly authorized representatives.

EXPLANATION OF INTENT

1. The School Board wishes to provide each student in the public education system an educational environment appropriate to his or her educational needs.
2. Section 228.056 of the Florida Statutes authorizes the creation of charter schools as part of the state's program of public education.
3. The School Board has oversight jurisdiction over charter schools located throughout incorporated and unincorporated Miami-Dade County.
4. The School Board wishes to ensure that the use of these charter schools is consistent with the Florida Building Code, as set forth in Section 228.056(17) of the Florida Statutes, and with applicable regulatory requirements relating to use and occupancy of school facilities.
5. Miami-Dade County, through its Building Department and its Department of Planning and Zoning, has jurisdiction over the permitting, inspection and occupancy of structures and land use within unincorporated Miami-Dade County.
6. The parties, jointly committed to the protection of the health, safety and welfare of the students and other occupants of charter school facilities, enter into this Agreement for the purpose of promoting the enforcement of building, fire prevention, zoning and land use regulations, and clarifying each party's respective rights and obligations, all as more particularly set forth below.

AGREEMENT

1. Each of the parties subscribes to and endorses the explanation of intent set forth above.
2. Miami-Dade County shall exercise full Florida Building Code, pursuant to Chapter 553, F.S., Florida Fire Prevention Code, pursuant to Chapter 633, F.S., and land use jurisdiction in connection with charter schools located within unincorporated Miami-Dade County (the "Charter Schools").

3. Without limitation to the provisions of Section 2 above, Miami-Dade County through its Building Department shall be solely responsible for the issuance of building permits, plans review and examination, and the issuance of certificates of temporary or final certificates of occupancy in connection with each and every Charter School, all in accordance with the Florida Building Code as that term is defined in Chapter 553, F.S., and Chapter 8 of the Code of Miami-Dade County. Miami-Dade County shall also be authorized to enforce the Building Code in connection with Charter Schools through any and all means provided by law including but not limited to the issuance of stop work orders, fines, notices of violations, notices to vacate, and unsafe structure violations. Miami-Dade County shall be authorized to collect, and retain, any and all permit fees and fines relating to those structures. Miami-Dade County shall also be authorized to review plans, perform inspections and otherwise enforce the Florida Fire Prevention Code, pursuant to Chapter 633, F.S., and other technical codes relating to fire prevention.
4. Without limitation to the provisions of Section 2 above, Miami-Dade County through its Planning and Zoning Department shall be solely responsible for the issuance of building permits, plans review and examination and the issuance of certificates of use or occupancy, all as provided in the land use regulations of Miami-Dade County. The Charter School shall as a condition of operation, obtain from Miami-Dade County all required land use approvals, including site plan and zoning approvals. Miami-Dade County shall be authorized to enforce land use regulations through any and all means provided by law including but not limited to notices of violation, fines and notices to vacate. Miami-Dade County shall be authorized to collect, and retain, all permit fees and fines relating to those structures.
5. The School Board shall cooperate fully with Miami-Dade County in any enforcement action pursuant to this agreement, including, where necessary, finding suitable educational facilities for any and all charter school students who need to be relocated to Miami-Dade County Public Schools as a result of enforcement actions by Miami-Dade County instituted under this agreement.
6. Miami-Dade County shall notify the School Board immediately of any violation by a Charter School which may compromise or present an imminent threat to the health or safety of any student or other occupant of the Charter School facilities.
7. Any notice under this agreement shall be given by U.S. Mail addressed as follows:

Miami-Dade County Public Schools
1450 NE 2nd Avenue, Suite 921
Miami, Florida 33132
Attn: Mercedes Toural
Associate Superintendent for Education

Miami-Dade County
Stephen P. Clark Building
111 N. W. First Street, 29th Floor
Miami, Florida 33128
Attn: Alicia Schreiber
Assistant County Manager

8. This Agreement is intended as a clarification to ensure that the use of Charter Schools is consistent with requirements of the Florida Building Code and Florida Fire Prevention Code, zoning and land use regulations and is not intended to be in derogation of any obligation of any of the parties which exists by law.
9. This Agreement shall be for a term of five (5) years following its date of execution.

Steve Shiver
County Manager
Miami-Dade County

Merrett R. Stierheim
Superintendent
Miami-Dade County Public Schools

