

Tab 1	CS/SB 822 by ED, Rodriguez; Compare to CS/CS/H 00443 Education
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Tab 2	CS/SB 1150 by ED, Calatayud; Similar to H 00809 School Social Workers
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Tab 3	CS/SB 1514 by ED, Smith (CO-INTRODUCERS) Arrington, Davis; Identical to CS/H 01197 Anaphylaxis in Public Schools
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Tab 4	CS/SB 1708 by ED, Calatayud (CO-INTRODUCERS) Gruters; Similar to CS/H 01267 Education
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS COMMITTEE ON PRE-K - 12

EDUCATION

Senator Burgess, Chair
Senator Pizzo, Vice Chair

MEETING DATE: Tuesday, April 15, 2025

TIME: 8:30 a.m.—12:00 noon

PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Burgess, Chair; Senator Pizzo, Vice Chair; Senators Bradley, Calatayud, Gaetz, Jones, Osgood, Simon, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 822 Education Pre-K - 12 / Rodriguez (Compare CS/CS/H 443)	Education; Authorizing a charter school governing board to adopt its own code of student conduct; authorizing a charter school to increase its student enrollment beyond the capacity identified in the charter under certain conditions; requiring the Department of Education to provide student performance data to a charter school and its contractor; authorizing a high-performing charter school to assume the charter of an existing charter school within the same school district, etc. ED 03/31/2025 Fav/CS AED 04/15/2025 RC	
2	CS/SB 1150 Education Pre-K - 12 / Calatayud (Similar H 809)	School Social Workers; Providing that persons employed as school social workers are exempt from certain teacher certification requirements; providing an exception, etc. ED 03/31/2025 Fav/CS AED 04/15/2025 RC	
3	CS/SB 1514 Education Pre-K - 12 / Smith (Identical CS/H 1197)	Anaphylaxis in Public Schools; Requiring each district school board to ensure that specified emergency action plans are effective at all times when certain students are on campus; requiring each district school board to ensure that school personnel and employees and contracted personnel of before-school and after-school programs at school receive certain training to allergic reactions and anaphylaxis, etc. ED 03/25/2025 Fav/CS AED 04/15/2025 RC	

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Pre-K - 12 Education
Tuesday, April 15, 2025, 8:30 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1708 Education Pre-K - 12 / Calatayud (Similar CS/H 1267)	Education; Authorizing certain entities to report their students directly to the Department of Education; authorizing schools of hope in certain counties to colocate with other public schools in certain facilities; requiring that students enrolled in schools of hope be included in specified school district calculations; prohibiting a rental or leasing fee from being charged to a school of hope, etc. ED 03/31/2025 Fav/CS AED 04/15/2025 RC	
5	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Pre-K - 12 Education

BILL: CS/SB 822

INTRODUCER: Education Pre-K - 12 Committee and Senator Rodriguez

SUBJECT: Education

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 822 modifies numerous provisions related to charter schools, high performing charter schools and disposal of real property by school districts. Specifically, the bill:

- Limits the administrative deadlines a sponsor can impose on a charter school.
- Allows a charter school to adopt its own code of student conduct with certain restrictions.
- Modifies priority enrollment provisions for eligible charter school students related to prekindergarten participation.
- Requires charter schools to comply with parental notification requirements related to student well-being.
- Allows charter schools meeting certain conditions to increase enrollment capacity to more than what is specified in the charter without exceeding the capacity of the facility and requiring notice to the sponsor.
- Requires that access to the sponsor's student information system as allowed by law be provided to the charter school or its contractor and specifies the performance data to be accessed.
- Requires that the Department of Education provide student performance data to the charter school and its contractor as allowed by law.
- Adds a prohibition for the landlord or other associated individuals of a charter school to serve on a governing board of that charter school.
- Allows a high-performing charter school to assume the charter of an existing charter school in the same school district under certain circumstances.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Florida's Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations for traditional public schools. During the 2022–2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.¹ In general, charter schools are exempt for most Florida laws that govern public schools. The specific regulations that charter schools must comply with are named in law.² Charter school governing board members are provided with requirements regarding standards of conduct and financial disclosure.³

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.⁴

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district; the school district approves the application; the applicants form a governing board that negotiates a contract with the district school board; and the applicants and district school board agree upon a charter or contract. The district school board then becomes the sponsor of the charter school. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.⁵

Charter schools are required to employ or contract with employees who have undergone background screening that is the same as required for school district employees.⁶ Members of the governing board of a charter school are also required to undergo similar background screening.

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program,

¹ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

² Section 1002.33(16), F.S.

³ Section 1002.33(26), F.S.

⁴ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited April 8, 2025). See also s. 1002.33(10), F.S.

⁵ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

⁶ Section 1002.33(12), F.S.

provide early intervention programs, or serve exceptional education students.⁷ Charter schools are permitted to give preference for enrollment to certain student populations that include students who are:

- Siblings of a student enrolled in the charter school.
- Children of a member of the governing board of the charter school.
- Children of an employee of the charter school.
- Children of specific residents or employees related to a charter school-in-the-workplace or a charter school-in-a-municipality.
- Students who have successfully completed, during the previous year, a voluntary prekindergarten (VPK) education program provided by the charter school, the charter school's governing board, or a VPK provider that has a written agreement with the governing board.
- Children of an active duty member of any branch of the United States Armed Forces.
- Students who attended or are assigned to failing schools.
- Children of a safe-school officer at the school.
- Students who transfer from a classical school in this state to a charter classical school in this state.⁸

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:

- Demonstrates how the school will use the guiding principles.
- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.⁹

A school board is required to review all charter school applications and, within 90 days of receipt, approve or deny the application.¹⁰

A charter school may be sponsored by any of the following:

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- Florida College System institution approved by the DOE.¹¹

Each charter school sponsor is provided with duties specified in law. The charter school sponsor is tasked with performing the following:

⁷ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

⁸ Section 1002.33(10), F.S.

⁹ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

¹⁰ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited April 8, 2025). See also s. 1002.33(6), F.S.

¹¹ Section 1002.33(5), F.S.

- Monitor and review the charter school in its progress toward the goals established in the charter.
- Monitor the revenues and expenditures of the charter school and perform the duties related to deteriorating financial conditions of charter schools.
- Approve a charter before the applicant has identified space, equipment, or personnel, when necessary.
- Ensure that the charter is innovative and consistent with the state education goals established in Florida law.
- Ensure that the charter school participates in the state's education accountability system and report any shortcoming to the DOE.

Charter school sponsors are also subject to additional provisions, specifically the sponsor:

- Cannot apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school.
- Is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.
- Is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.
- By monitoring the charter school that does not constitute the basis for a private cause of action.
- Cannot impose additional reporting requirements on a charter school except when the charter school has been identified as having a deteriorating financial condition or a financial emergency.
- Is required to submit an annual report to the DOE in a web-based format determined by the DOE.¹²

The charter agreement is a written agreement that sets forth the terms and conditions for the operation of a charter school, including a virtual charter school, by the sponsor and the applicant. The sponsor and the governing board of the charter school are required to use the standard charter contract or standard virtual charter contract. The charter must be signed by the governing board of the charter school and the sponsor, following a public hearing. The charter agreement is required to include or address the following elements:

- The school's mission, the types of students to be served, and, for a virtual charter school, the types of students the school intends to serve who reside outside of the sponsoring school district.
- The ages and grades to be served.
- The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance.
- Ensure that reading is a primary focus. The curriculum and instructional strategies for reading must be consistent with the state's academic standards and grounded in scientifically based reading research.
- Ensure that mathematics is a focus of the curriculum.

¹² Section 1002.33(5), F.S.

- Facilitate the integration of technology within traditional classroom instruction.
- The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.
- The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school.
- A method for determining that a student has satisfied the requirements for graduation.
- A method for resolving conflicts between the governing board of the charter school and the sponsor.
- Admissions procedures and dismissal procedures, including the school's code of student conduct.
- The ways by which the school will achieve a racial/ethnic balance that reflects the community it serves.
- The financial and administrative management of the school.
- The asset and liability projections of the charter school.
- A description of procedures to reduce the impact of losses; plans to ensure the safety and security of students and staff; and the way the school will be insured.
- The term of the charter.
- The facilities to be used and their location.
- The qualifications of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff.
- The governance structure of the school.
- A timetable for implementing the charter.
- In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school.
- Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decision-making authority.
- Implementation of the activities of a charter school determined to be a high-performing charter school.¹³

High Performing Charter Schools

A high-performing charter school is a school that has met each of the following criteria:

- Received at least two school grades of "A" and no school grade below "B" for the last three years or received at least two consecutive school grades of "A" in the most recent two school years.
- Received an unqualified opinion on each annual audit in the most recent three years for which such audits are available
- Has not received a financial audit that revealed one or more of the financial emergency conditions set described in Florida law in the most three recent fiscal years for which audits

¹³ Section 1002.33(7), F.S.

are available or for initial eligibility, for the most recent two fiscal years if the charter school has earned two consecutive grades of “A.”¹⁴

High performance charter schools are allowed additional considerations that include:

- Increasing the school’s student enrollment once per school year to more than the capacity identified in the charter but limited to the capacity of the facility.
- Expanding grade levels within kindergarten through grade 12 to add grade levels not already served.
- Submitting a quarterly, rather than a monthly, financial statement to the sponsor.
- Consolidation under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools’ governing board.
- Receiving a modification of its charter to a term of 15 years or a 15-year charter renewal.¹⁵

Student Code of Conduct

Each district school board is required to adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools. The school district is required to distribute the codes to all teachers, school personnel, students, and parents, at the beginning of every school year. The code of conduct is required to be made available in the student handbook or a similar publication. Each code is required to include the following elements:

- Consistent policies and specific grounds for disciplinary action for the possession or use of alcohol.
- Procedures to be followed for acts requiring discipline, including corporal punishment.
- Responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.
- Responsibilities of each student with regard to appropriate dress, respect for self and others.
- Notice that illegal use, possession, or sale of controlled substances is grounds for disciplinary action by the school and can result in criminal penalties being imposed.
- Notice regarding use of a wireless communications device.
- Notice regarding the possession of a firearm or weapon.
- Notice regarding violence against any district school board personnel,
- Notice regarding violation of district school board transportation policies.
- Notice regarding violation of the district school board sexual harassment policy.
- Policies regarding the assignment of violent or disruptive students to an alternative educational program and referral to mental health services.
- Notice regarding a student having made a threat or false report involving school or school personnel’s property, school transportation, or a school-sponsored activity.
- Criteria for recommending to law enforcement participation in a prearrest delinquency citation program as an alternative to expulsion or arrest.
- Criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program.¹⁶

¹⁴ Section 1002.331(1), F.S.

¹⁵ Section 1002.331(2), F.S.

¹⁶ Section 1006.07(2), F.S.

Charter schools are not subject to the district school board adopted policies for code of conduct.¹⁷

III. Effect of Proposed Changes:

This bill modifies numerous provisions related to charter schools including administrative, enrollment, control of students, student safety, facilities, and high-performing charter schools. The bill modifies s. 1002.33, F.S., which:

- Prohibits a charter school sponsor from imposing upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. The bill prohibits any deadline imposed upon a charter school for financial audits or other administrative requirements that is earlier than 15 days before the sponsor's own deadline for similar submissions to the Department of Education (DOE).
- Allows a charter school meeting certain criteria to increase its student enrollment to more than the capacity identified in the charter, as long as the increase does not exceed the facility capacity, including new or expanded facilities. The bill requires the charter school to notify its sponsor by March 1 if the school intends to increase enrollment capacity in the following school year and is required to specify the amount of increase.
- Allows a charter school governing board to adopt its own code of student conduct, which the sponsor may review and offer recommendations. The code of student conduct must meet or exceed the minimum standards in the sponsor's code of student conduct. If a provision of the code of student conduct is more stringent than the sponsor's code of student conduct it must align with the mission of the charter school. The bill requires that any complaint or appeal related to the code of student conduct has to be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.
- Removes the reference for priority enrollment in charter schools that specifically referred to Voluntary Prekindergarten (VPK) and allows for any child completing a prekindergarten program that meets certain conditions to have a priority.
- Requires charter schools to comply with s. 1001.42(8)(c), F.S., regarding procedures for notification of a student's parents related to a student's mental, emotional, or physical well-being.
- Requires that the sponsor and the DOE ensure that student data, including student assessment data, are promptly and efficiently shared with charter schools, including a charter school's contractor. The sponsor or the DOE must comply with law that may limit sharing or providing data.
- Adds a requirement that a landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established as a charter school-in-a-municipality.

The bill modifies s. 1002.331, F.S., to allow a high performing charter school to assume the charter of an existing charter school within the same school district in which the high-performing charter school operates. The request to be assumed is required to be initiated by the school being assumed and is required to be in writing to the high performing charter school.

¹⁷ Section 1002.33(16), F.S.

The bill takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.33 and 1002.331.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K - 12 on March 31, 2025:

The committee substitute maintained numerous provisions from the bill related to charter schools, with some modifications, related to the authority of a charter school to increase its enrollment subject to facility capacity, priorities for prekindergarten enrollment, district and Department of Education sharing of data with charter schools or their contractors, and charter school charters being assumed by high performing charter schools. Additionally, the committee substitute removed provisions in the bill that:

- Allowed a charter school to assign its charter to a not-for-profit board of another charter school.
- Allowed for a charter school to conduct background screening independent of the sponsor's screening procedures.
- Allowed charter schools to use land owned by specified entities and that met certain criteria without rezoning or change in land use designation.
- Clarified provisions in law related to conduct and financial disclosure for certain charter school transactions.
- Provided legislative intent concerning real property and set requirements regarding disposal of real property by school districts. Provided certain rights to charter schools regarding real property being disposed of by a school district.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senator Rodriguez

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A bill to be entitled

An act relating to education; amending s. 1002.33, F.S.; providing requirements for specified deadlines for charter schools; authorizing a charter school governing board to adopt its own code of student conduct; providing requirements for the code of student conduct; providing that charter schools are not exempt from a specified statute; authorizing a charter school to increase its student enrollment beyond the capacity identified in the charter under certain conditions; requiring a charter school to notify its sponsor in writing by a specified date, and to include specified information, if it plans to increase enrollment; revising services a sponsor must provide to a charter school; requiring the Department of Education to provide student performance data to a charter school and its contractor; providing an exception; prohibiting specified individuals from being on a charter school governing board; providing an exception; amending s. 1002.331, F.S.; authorizing a high-performing charter school to assume the charter of an existing charter school within the same school district; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (5), paragraphs (d) and (h) of subsection (10), paragraph (b) of subsection (16), and paragraph (a) of subsection (20) of section

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1002.33, Florida Statutes, are amended, and paragraph (s) is added to subsection (9), paragraph (h) is added to subsection (18), and paragraph (d) is added to subsection (26) of that section, to read:

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor may not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

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f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor is not liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor is not liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school do not constitute the basis for a private cause of action.

j. The sponsor may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345.

k. The sponsor may not impose upon a charter school administrative deadlines that are earlier than the sponsor's own corresponding deadlines for similar reports or submissions. Any deadline imposed upon a charter school for financial audits or other administrative requirements may not be earlier than 15 days before the sponsor's own deadline for similar submissions to the department.

~~l.~~ The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report must ~~shall~~ include the following

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information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor, and post the report on its website by January 15 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall

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cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. For purposes of assisting the development of a charter school, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). Notwithstanding any other provision of law, an interlocal agreement or ordinance that imposes a greater regulatory burden on charter schools than school districts or that prohibits or limits the creation of a charter school is

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void and unenforceable. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(c) *Sponsor accountability.*—

1. The department shall, in collaboration with charter school sponsors and charter school operators, develop a sponsor evaluation framework that must address, at a minimum:

a. The sponsor's strategic vision for charter school authorization and the sponsor's progress toward that vision.

b. The alignment of the sponsor's policies and practices to best practices for charter school authorization.

c. The academic and financial performance of all operating charter schools overseen by the sponsor.

d. The status of charter schools authorized by the sponsor, including approved, operating, and closed schools.

2. The department shall compile the results by sponsor and include the results in the report required under sub-sub-

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subparagraph ~~(b)1.l.(III)~~ ~~(b)1.k.(III)~~.

(9) CHARTER SCHOOL REQUIREMENTS.—

(s) A charter school governing board may adopt its own code of student conduct. The code of student conduct must meet or exceed the minimum standards set forth in the sponsor's code of student conduct. Any provision of the code of student conduct which is more stringent than the sponsor's code of student conduct must align with the mission of the charter school. The sponsor may review the code and offer recommendations. Any complaint or appeal related to the code of student conduct must be resolved by the charter school's governing board using the board's established procedures and must be in compliance with applicable law and rules.

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c)

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or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a ~~voluntary~~ prekindergarten education program ~~under ss. 1002.51-1002.79~~ provided by the charter school, the charter school's governing board, or a ~~voluntary~~ prekindergarten provider that has a written agreement with the governing board.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.

9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term "classical school" means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection and subsection (18) unless the charter school is designated as a high-performing charter school pursuant to s. 1002.331. A sponsor may not require a charter

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school to waive the provisions of s. 1002.331 or require a student enrollment cap that prohibits a high-performing charter school from increasing enrollment in accordance with s. 1002.331(2) as a condition of approval or renewal of a charter.

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.

4. Section 1012.22(1)(c), relating to compensation and salary schedules.

5. Section 1012.33(5), relating to workforce reductions.

6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.

7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.

8. Section 1006.12, relating to safe-school officers.

9. Section 1006.07(7), relating to threat management teams.

10. Section 1006.07(9), relating to School Environmental Safety Incident Reporting.

11. Section 1006.07(10), relating to reporting of involuntary examinations.

12. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.

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13. Section 1006.07(6)(d), relating to adopting an active assailant response plan.

14. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.

15. Section 1012.584, relating to youth mental health awareness and assistance training.

16. Section 1001.42(4)(f)2., relating to middle school and high school start times. A charter school-in-the-workplace is exempt from this requirement.

17. Section 1001.42(8)(c), relating to student welfare.

(18) FACILITIES.—

(h) A charter school that is not implementing a school improvement plan pursuant to paragraph (9)(n) or a corrective action plan pursuant to s. 1002.345 may increase its student enrollment to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion must include any improvements to an existing facility or any new facility in which the students of the charter school will enroll. A charter school must notify its sponsor in writing by March 1 if it intends to increase enrollment for the following school year. The written notice must specify the amount of the enrollment increase.

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education

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291 administration services; services related to eligibility and
 292 reporting duties required to ensure that school lunch services
 293 under the National School Lunch Program, consistent with the
 294 needs of the charter school, are provided by the sponsor at the
 295 request of the charter school, that any funds due to the charter
 296 school under the National School Lunch Program be paid to the
 297 charter school as soon as the charter school begins serving food
 298 under the National School Lunch Program, and that the charter
 299 school is paid at the same time and in the same manner under the
 300 National School Lunch Program as other public schools serviced
 301 by the sponsor or the school district; test administration
 302 services, including payment of the costs of state-required or
 303 district-required student assessments; processing of teacher
 304 certificate data services; and information services, including
 305 equal access to the sponsor's student information systems that
 306 are used by public schools in the district in which the charter
 307 school is located or by schools in the sponsor's portfolio of
 308 charter schools if the sponsor is not a school district. Access
 309 to the sponsor's student information system must be provided to
 310 the charter school and its contractor, unless prohibited by
 311 general or federal law. Student performance data for each
 312 student in a charter school, including, but not limited to,
 313 statewide FCAT scores, standardized test scores, coordinated
 314 screening and progress monitoring student results, previous
 315 public school student report cards, and student performance
 316 measures, shall be provided by the sponsor to a charter school
 317 in the same manner provided to other public schools in the
 318 district or by schools in the sponsor's portfolio of charter
 319 schools if the sponsor is not a school district. The department

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320 shall provide student performance data to a charter school and
 321 its contractor, unless prohibited by general or federal law.
 322 2. A sponsor shall provide training to charter schools on
 323 systems the sponsor will require the charter school to use.
 324 3. A sponsor may withhold an administrative fee for the
 325 provision of such services which shall be a percentage of the
 326 available funds defined in paragraph (17)(b) calculated based on
 327 weighted full-time equivalent students. If the charter school
 328 serves 75 percent or more exceptional education students as
 329 defined in s. 1003.01(9), the percentage shall be calculated
 330 based on unweighted full-time equivalent students. The
 331 administrative fee shall be calculated as follows:
 332 a. Up to 5 percent for:
 333 (I) Enrollment of up to and including 250 students in a
 334 charter school as defined in this section.
 335 (II) Enrollment of up to and including 500 students within
 336 a charter school system which meets all of the following:
 337 (A) Includes conversion charter schools and nonconversion
 338 charter schools.
 339 (B) Has all of its schools located in the same county.
 340 (C) Has a total enrollment exceeding the total enrollment
 341 of at least one school district in this state.
 342 (D) Has the same governing board for all of its schools.
 343 (E) Does not contract with a for-profit service provider
 344 for management of school operations.
 345 (III) Enrollment of up to and including 250 students in a
 346 virtual charter school.
 347 b. Up to 2 percent for enrollment of up to and including
 348 250 students in a high-performing charter school as defined in

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s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

4. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.

5. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-sub-subparagraph (5)(b)1.k.(III).

6. A sponsor shall annually provide a report to its charter schools on what services are being rendered from the sponsor's portion of the administrative fee. The report must include the listed services and be submitted to the department by September 15 of each year.

(26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

(d) A landlord of a charter school or his or her spouse or an officer, director, or employee of an entity that is a landlord of a charter school or his or her spouse may not be a member of a governing board of a charter school unless the charter school was established pursuant to paragraph (15)(c).

Section 2. Subsection (2) of section 1002.331, Florida

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Statutes, is amended to read:

1002.331 High-performing charter schools.—

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of expansion must ~~shall~~ include any improvements to an existing facility or any new facility in which the students of the high-performing charter school will enroll.

(b) Expand grade levels within kindergarten through grade 12 to add grade levels not already served if any annual enrollment increase resulting from grade level expansion is within the limit established in paragraph (a).

(c) Submit a quarterly, rather than a monthly, financial statement to the sponsor pursuant to s. 1002.33(9)(g).

(d) Consolidate under a single charter the charters of multiple high-performing charter schools operated in the same school district by the charter schools' governing board regardless of the renewal cycle.

(e) Receive a modification of its charter to a term of 15 years or a 15-year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school. The charter must be consistent with s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual review by the sponsor, and may be terminated during its term pursuant to s. 1002.33(8).

(f) Assume the charter of an existing charter school within the same school district in which it operates. Any request to

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407 assume a charter must be initiated by a school in a written
408 format to the high-performing charter school.

409
410 A high-performing charter school shall notify its sponsor in
411 writing by March 1 if it intends to increase enrollment or
412 expand grade levels the following school year. The written
413 notice shall specify the amount of the enrollment increase and
414 the grade levels that will be added, as applicable. If a charter
415 school notifies the sponsor of its intent to expand, the sponsor
416 shall modify the charter within 90 days to include the new
417 enrollment maximum and may not make any other changes. The
418 sponsor may deny a request to increase the enrollment of a high-
419 performing charter school if the commissioner has declassified
420 the charter school as high-performing. If a high-performing
421 charter school requests to consolidate multiple charters or to
422 assume an existing charter, the sponsor has ~~shall have~~ 40 days
423 after receipt of that request to provide an initial draft
424 charter to the charter school. The sponsor and charter school
425 shall have 50 days thereafter to negotiate and notice the
426 charter contract for final approval by the sponsor.

427 Section 3. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Pre-K - 12 Education

BILL: CS/SB 1150

INTRODUCER: Education Pre-K - 12 Committee and Senator Calatayud

SUBJECT: School Social Workers

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazes</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1150 provides an exemption to a person who is employed as a school social worker from the demonstration of mastery of general knowledge and subject area knowledge requirements for educator certification.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V. Fiscal Impact Statement.**

The bill is effective on July 1, 2025.

II. Present Situation:

Licensure of Social Workers in Florida

In Florida, the social work profession is under the oversight of the Florida Department of Health, specifically the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling (CSW Board).¹ The CSW Board was legislatively established to ensure that every clinical social worker, marriage and family therapist, and mental health counselor practicing in this state meet minimum requirements for safe practice. The CSW Board is responsible for

¹ Section 491.004, F.S.

licensing, monitoring, disciplining and educating clinical social workers, marriage and family therapists, and mental health counselors to assure competency and safety to practice in Florida.²

The CSW Board offers three licenses for social workers: registered clinical social worker intern³, licensed clinical social worker by examination⁴, and certified master social worker⁵. All three licenses require, among other requirements, a master's degree in social work from a Council on Social Work Education accredited school of social work showing graduate level coursework.

Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the DOE. Persons seeking employment at a public school as a school supervisor, principal, teacher, library media specialist, counselor, athletic coach, or in other instructional capacity must be certified.⁶ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”⁷

The DOE issues three main types of educator certificates:

- Professional Certificate: The professional certificate is Florida's highest type of full-time educator certification.⁸ The professional certificate is valid for five years and is renewable.⁹
- Temporary Certificate: The temporary certificate covers employment in full-time positions for which educator certification is required.¹⁰ Generally, a temporary certificate is valid for five years and is nonrenewable.¹¹
- Athletic Coaching Certificate: The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.¹² The DOE issues two types of athletic coaching certificates – one is valid for five years and may be issued for subsequent five-year periods while the other is valid for three years and may be issued only once. The five-year certificate requires satisfaction of certain specialization requirements established in rule.¹³

² Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Home Page*, <https://floridasmentalhealthprofessions.gov/>, (last visited April 7, 2025).

³ Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Registered Clinical social worker intern*, <https://floridasmentalhealthprofessions.gov/licensing/registered-clinical-social-worker-intern/>, (last visited April 7, 2025).

⁴ Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Licensed Clinical Social Worker*, <https://floridasmentalhealthprofessions.gov/licensing/licensed-clinical-social-worker/>, (last visited April 7, 2025).

⁵ Florida Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, *Certified Master Social Worker*, <https://floridasmentalhealthprofessions.gov/licensing/certified-master-social-worker/>, (last visited April 7, 2025).

⁶ Sections 1012.55(1) and 1002.33(12), F.S.

⁷ Section 1012.54, F.S.

⁸ Rule 6A-4.004(5), F.A.C.

⁹ Section 1012.56(7), F.S.

¹⁰ Rule 6A-4.004(1), F.A.C.

¹¹ Section 1012.56(7), F.S.

¹² Section 1012.55(2), F.S.

¹³ Rule 6A-4.004(7), F.A.C.

Professional Certificate Requirements

To be eligible for a professional certificate, a person must:

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher;
- Demonstrate mastery of general knowledge;
- Demonstrate mastery of subject area knowledge; and
- Demonstrate mastery of professional preparation and education competence, if the person serves as a classroom teacher or school administrator.¹⁴

Demonstrating Mastery of General Knowledge

Mastery of general knowledge may be demonstrated through any of the following methods:

- Achieving a passing score on the General Knowledge Test;
- Achieving passing scores established in SBE rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (*e.g.*, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination);
- Providing documentation of a valid professional standard teaching certificate issued by another U.S. state or territory, by the National Board for Professional Teaching Standards (NBPTS), or by the American Board for Certification of Teacher Excellence (ABCTE);
- Completing two semesters of successful, part-time or full-time teaching in a Florida College System institution, state university, or private college or university that awards an associate or higher degree and is an accredited institution or an institution identified by the DOE as having a quality program; and
- Documentation of receipt of a master's or higher degree from an accredited postsecondary institution that the DOE has identified as having a quality program resulting in a baccalaureate degree or higher.¹⁵

Demonstrating Mastery of Subject Area Knowledge

Mastery of subject area knowledge may be demonstrated through any of the following methods:

- Bachelor's Degree Level (for certification in a subject area for which SBE rule requires a bachelor's or higher degree):
 - If a Florida subject area examination has been developed, achieving a passing score on the Florida-developed subject area examination specified in SBE rule or documentation of receipt of a master's or higher degree from an accredited postsecondary institution that

¹⁴ Section 1012.56(2), F.S.

¹⁵ Section 1012.56(3), F.S.

- the DOE has identified as having a quality program resulting in a baccalaureate degree or higher in the certificate subject area as identified in SBE rule.
- If a Florida subject area examination has not been developed, achieving a passing score on a standardized examination specified in SBE rule, including passing scores on both the oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages or successful completion of a United States Defense Language Institute Foreign Language Center program or a passing score on the Defense Language Proficiency Test.
 - For certification in any other subject area for which there is no Florida subject area test or standardized examination specified in state board rule (e.g., Dance), completing the required bachelor's or higher degree and content courses specified in SBE rule and verification of subject area competence by the district school superintendent or, for a state-supported or private school, the school's chief administrative officer.
 - Master's Degree Level (for certification in a subject area for which SBE rule requires a master's or higher degree): Completing the required master's or higher degree and content courses specified in SBE rule and achieving a passing score on the corresponding Florida-developed subject area test or standardized examination specified in SBE rule.
 - Out-of-State Certification: Providing documentation of a valid professional standard teaching certificate issued for a subject area by another U.S. state or territory or by NBPTS or ABCTE, if the certificate is comparable to the Florida professional certificate issued for the same subject area.¹⁶

Demonstrating Mastery of Professional Preparation and Education Competence

Acceptable means of demonstrating mastery of professional preparation and education competence are any one of the following:

- Successful completion of an approved teacher preparation program at a Florida postsecondary educational institution and a passing score on the professional education competency examination required by SBE rule.
- Successful completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by SBE rule.
- Documentation of a valid professional standard teaching certificate issued by another state.
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the SBE.
- Documentation of two semesters of successful, full-time or part-time teaching in a Florida College System institution, state university, or accredited private college or university and achievement of a passing score on the professional education competency examination required by SBE rule.
- Successful completion of professional preparation courses as specified in SBE rule, successful completion of a professional education competence program, and documentation of three years of being rated effective or highly effective while holding a temporary certificate.
- Successful completion of a professional learning certification program.

¹⁶ Section 1012.56(5), F.S

- Successful completion of a competency-based certification program and achievement of a passing score on the professional education competency examination required by SBE rule.¹⁷

Educator Certification Examination Fees

The DOE sets registration fees for the various exams required for educator certification, including initial registration and retakes. For the general knowledge exam, the initial registration fee is \$130.00 for the full battery of four subjects. An individual is able to retake the general knowledge exam by subtest with the retake registration fees being the following:

- One subtest - \$32.50;
- Two subtests - \$65.00;
- Three subtests - \$97.50;
- Full battery retake - \$130.00.

For subject area examinations and the professional educational test, the initial and retake registration fee is \$150.00. For subject area exams with subparts, the \$150.00 fee is divided evenly among the subparts for retakes.¹⁸

Current law and rule provide for several fee waivers including the Military Testing Fee Waiver, Retired First Responder Fee Waiver,¹⁹ and Exceptional Student Education K–12/Elementary Education K–6 Waivers.²⁰

Restricted Professional Certificate

In addition to the professional certification described above, the DOE issues restricted professional certificates, a renewable type of certificate valid for five school years. To receive a restricted professional certificate an applicant must:

- Complete the application adopted in SBE rule;
- Satisfy all of the statutory eligibility criteria for a professional educator certification except for the mastery of general knowledge component; and
- Serve as instructional personnel, who is not a classroom teacher, in one of the following fields:
 - Educational Media Specialist;
 - School Counseling;
 - School Psychologist;
 - School Social Work; or
 - Speech-Language Impaired.

An applicant who meets these requirements must only be assigned to non-classroom instructional positions for which they are certified.²¹

¹⁷ Section 1012.56(6), F.S.

¹⁸ Rule 6A-4.0021(4), F.A.C.

¹⁹ Section 1012.59(3), F.S.

²⁰ Section 1012.59(4), F.S.

²¹ Rule 6A-4.004(9), F.S.

Educator Certification Specializations

An individual holding an educator certification from the DOE may apply for an additional coverage or endorsement indicating advanced education or experience in a particular subject, area, or field.²² The DOE offers a specialization for certification in school social worker that can be earned in under two plans:

- Plan One. A master's or higher degree with a graduate major in social work that includes 300 hours or more of field placement in a K-12 school setting from a program accredited by the National Council on Social Work Education or accredited by and entity approved by DOE in rule; or
- Plan Two. A master's or higher degree with a graduate major in social work that includes 300 hours or more of field placement with diverse individuals in a community setting other than a prekindergarten, an elementary or a secondary school.²³

Background Screening Requirements

Individuals who work in or provide services to school districts, charter schools, alternative schools, and private schools participating in state school choice scholarship programs must undergo a fingerprint based background screening before being permitted access to school grounds.²⁴ The individuals who must undergo background screening fall under three personnel classifications: instructional and noninstructional personnel;²⁵ noninstructional school district employees and contracted personnel;²⁶ and noninstructional contractors.²⁷ Candidates for educator certification must also undergo background screening.²⁸

The background screening requirements for each personnel classification vary depending upon the individual's duties, whether or not the individual is a school district employee, and the degree of contact the individual has with students.²⁹ Because they are more likely to have direct contact with students, candidates for educator certification, instructional and noninstructional personnel, and noninstructional school district employees and contracted personnel must be screened against a distinct list of 52 disqualifying offenses applicable to employment with public schools and school districts.³⁰

III. Effect of Proposed Changes:

This bill amends section 1012.55, F.S., to exempt school social workers from the demonstration of mastery of general knowledge and subject area knowledge requirements for educator certification.

The bill is effective on July 1, 2025.

²² Rule 6A-4.002(1), F.A.C.

²³ Rule 6A-4.035, F.A.C.

²⁴ Sections 1002.421, 1012.32(2), 1012.465(2), and 1012.467(2), F.S.

²⁵ Section 1012.32(2), F.S.

²⁶ Section 1012.465(1), F.S.

²⁷ Section 1012.467(1), F.S.

²⁸ Sections 1012.315, 1012.32(2), and 1012.56, F.S.

²⁹ See ss. 1012.32(2), 1012.465(2), and 1012.467(2), F.S.

³⁰ Sections 1012.315, 1012.32, and 1012.465, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1012.55 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K-12 on March 31, 2025:

The committee substitute exempts school social workers from the demonstration of mastery of general knowledge and subject area knowledge requirements for educator certification, rather than exempting such individuals from nearly all educator certification requirements.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Education Pre-K - 12; and Senator Calatayud

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A bill to be entitled

An act relating to school social workers; amending s.
1012.55, F.S.; providing that persons employed as
school social workers are exempt from certain teacher
certification requirements; providing an exception;
providing an effective date.

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

Section 1. Present subsection (5) of section 1012.55,
Florida Statutes, is redesignated as subsection (6), and a new
subsection (5) is added to that section, to read:

1012.55 Positions for which certificates required.—

(5) A person who is employed as a school social worker
shall be exempt from the educator certification requirements in
s. 1012.56(2)(g) and (h).

Section 2. This act shall take effect July 1, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Pre-K - 12 Education

BILL: CS/SB 1514

INTRODUCER: Education Pre-K - 12 Committee and Senator Smith and others

SUBJECT: Anaphylaxis in Public Schools

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	ED	Fav/CS
2.	Gray	Elwell	AED	Pre-meeting
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1514 adds requirements to ensure schools are equipped with the necessary plans and training to effectively respond to allergic reactions and anaphylaxis, particularly for students who require emergency interventions such as epinephrine. Specifically, the bill:

- Requires district school boards to ensure that a student's emergency action plan is effective at all times when the student is on campus.
- Requires school personnel, including employees and contracted personnel of before- and after-school programs, to be provided training on preventing and responding to allergic reactions, including anaphylaxis.
- Requires at least one member of school personnel who has been trained in preventing and responding to an allergic reaction, including anaphylaxis, to be on school grounds to execute a student's emergency action plan.
- Specifies that the required training must include the administration of emergency epinephrine, including the use of epinephrine auto-injectors and nasal sprays.
- Authorizes the State Board of Education to adopt rules, including the identification of an approved training curriculum for the required training.

The bill has an indeterminate fiscal impact for school districts. **See Section V., Fiscal Impact Statement.**

The bill is effective July 1, 2025.

II. Present Situation:

Anaphylaxis

Anaphylaxis is a severe, life-threatening allergic reaction that can occur rapidly and can be fatal if not treated immediately. The condition is typically triggered by allergens such as foods, insect stings, medications, and latex. According to the American Academy of Family Physicians, anaphylaxis affects approximately one in 20 people at some point in their lives.¹

Anaphylaxis involves a range of symptoms affecting multiple systems in the body. These can include one or more of the following:

- Hives or itching (of any body part);
- Flushed or pale skin, dizziness;
- Vomiting, diarrhea, or stomach cramps;
- Swelling (of any body part);
- Red, watery eyes, runny nose;
- Fainting or loss of consciousness;
- Wheezing, coughing, difficulty breathing, shortness of breath;
- Throat tightness or closing, difficulty swallowing, change of voice;
- A sense of doom;
- Change in mental status; and
- Itchy or scratchy lips, tongue, mouth or throat.²

Life-threatening allergies in students present significant challenges in schools. According to the Florida Department of Health's 2022-2023 Annual School Health Services Report, approximately 76,000 students in Florida have life-threatening allergies. Additionally, 112,680 students diagnosed with asthma may also experience severe allergic reactions if exposed to allergens.³ For these students, the immediate administration of epinephrine through an auto-injector syringe may be life-saving.⁴

Epinephrine in Schools

Students who have experienced or are at risk for life-threatening allergic reactions may carry and self-administer epinephrine auto-injectors at school, during school-sponsored activities, or while traveling to and from these activities with proper parental and physician authorization. The State Board of Education, in collaboration with the Department of Health, must establish rules

¹ American Academy of Family Physicians, *Anaphylaxis: Guidelines From the Joint Task Force on Allergy-Immunology Practice Parameters*, <https://www.aafp.org/pubs/afp/issues/2024/1100/practice-guidelines-anaphylaxis.html> (last visited Mar. 27, 2025).

² Florida Department of Education, *Students with Life-Threatening Allergies* (2017), available at <https://sss.usf.edu/resources/format/pdf/LifeThreateningAllergiesFinal.pdf>, at 4 (last visited Mar. 27, 2025).

³ Florida Department of Health, *2022-2023 Annual School Health Services Report*, at 1 (2024), available at <https://www.floridahealth.gov/programs-and-services/childrens-health/school-health/documents/2022-2023-school-health-data-summaries.pdf> (last visited Mar. 31, 2025).

⁴ Florida Department of Education, *Students with Life-Threatening Allergies*, at 3 (2017), available at <https://sss.usf.edu/resources/format/pdf/LifeThreateningAllergiesFinal.pdf> (last visited Mar. 31, 2025).

ensuring the safe use of epinephrine auto-injectors, including protections against misuse or abuse.

Schools may also maintain a supply of epinephrine auto-injectors secured in a designated location, accessible to trained school personnel or authorized students. Schools must adopt a physician-developed protocol for the administration of these auto-injectors by school personnel who are trained to recognize an anaphylactic reaction and to administer an epinephrine auto-injection during emergencies. School districts, employees, agents, and the physician who provides the protocol are protected from liability related to injuries from administration, provided the trained personnel follow the protocol in response to a suspected anaphylactic reaction. School personnel and volunteers involved in administering epinephrine to students during an emergency are protected from liability, provided they adhere to established guidelines and procedures.⁵

Schools must establish clear protocols for effectively managing allergic reactions, including procedures for administering epinephrine either by trained school personnel or by authorized students themselves. Protocols require an annual Individual Health Care Plan (IHCP) developed by the school nurse in collaboration with the student, parents or guardians, healthcare provider, and school personnel. This plan must include an Emergency Action Plan (EAP) specifying immediate contact with emergency services (911) during an anaphylaxis event and detailing actions if the student cannot self-administer epinephrine.⁶

Schools are required to develop written policies, procedures, and protocols to manage health emergencies, including maintaining updated emergency information cards for each student, listing key health details and contacts. Schools must ensure emergency supplies and equipment are clearly identified and accessible, with locations and lists of staff certified in first aid and cardiopulmonary resuscitation (CPR) visibly posted in high-risk areas. Additionally, schools must have at least two staff members (excluding health room personnel) certified in first aid and CPR. The school nurse, in collaboration with school administration, assists in training staff to provide care during emergencies and ensures first aid supplies and emergency equipment are adequately stocked and maintained.⁷

Administration of Medication and Medical Services by District School Personnel

District school personnel may assist students with the administration of prescription medication at school, provided certain conditions are met, including:

- Providing training to designated school personnel by a registered nurse, licensed practical nurse, advanced practice registered nurse, physician, or physician assistant.
- Adopting formal policies and procedures to guide medication administration by school personnel.
- Obtaining written permission from the student's parent or guardian, clearly stating the necessity of medication administration during school hours or school-sponsored events.

⁵ Section 1002.20(3), F.S.

⁶ Rule 6A-6.0251, F.A.C.

⁷ Rule 64F-6.004, F.A.C.

- Receiving, counting, and securely storing medication in its original container, accessible only to authorized personnel.⁸

Nonmedical district personnel may also perform specific health-related services following the successful completion of child-specific training and periodic monitoring by medical professionals.⁹ However, nonmedical district personnel are prohibited from performing invasive medical procedures such as sterile catheterization, nasogastric tube feeding, and tracheostomy care requiring deep suctioning.¹⁰

District school personnel administering medication in compliance with established policies and procedures are protected from liability for civil damages, provided they act reasonably and prudently under similar circumstances.¹¹

Schools must establish emergency procedures specifically designed for life-threatening emergencies as part of a school health services plan developed jointly with the county health department and local school health advisory committee.¹²

III. Effect of Proposed Changes:

This bill amends s. 1006.07, F.S., to require district school boards to ensure that a student's emergency action plan is effective at all times when the student is on campus, including during extracurricular activities, athletics, school dances, and contracted before-and-after-school programs at the school.

District school boards are required to ensure that school personnel, including employees and contracted personnel of before-and-after-school programs, have been provided training on preventing and responding to allergic reactions, including anaphylaxis. At least one member of school personnel who has been trained in preventing and responding to an allergic reaction, including anaphylaxis, must be on school grounds to execute a student's emergency action plan. The bill specifies that the required training must include the administration of emergency epinephrine, including the use of epinephrine auto-injectors and nasal sprays.

The bill also authorizes the State Board of Education to adopt rules for implementation, including the identification of an approved training curriculum for the required training.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸ Section 1006.062(1), F.S.

⁹ Section 1006.062(4), F.S.

¹⁰ Section 1006.062(3), F.S.

¹¹ Section 1006.062(2), F.S.

¹² Section 1006.062(6), F.S. and Section 381.0056(4), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures. The bill requires the school districts to adopt an anaphylaxis policy for each school within the district. The policy must include training for school personnel and each before-school and after-school program at a school to provide training to its employees and contracted personnel. The cost associated with this training is indeterminate, but likely insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The provisions of the bill are placed in s. 1006.07, F.S., which pertains to district school board duties relating primarily to student discipline and school safety. The sponsor may want to place the provisions in s. 1002.20, F.S., as this section specifically addresses student and parental rights related to health and medical care. This section includes provisions related to the use, storage, and administration of epinephrine auto-injectors, and provides explicit guidelines on training and liability protections for school personnel.

VIII. Statutes Affected:

This bill substantially amends section 1006.07 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K - 12 on March 25, 2025:

The committee substitute adds the requirement for at least one member of school personnel who has been trained in preventing and responding to an allergic reaction, including anaphylaxis, to be on school grounds to execute a student's emergency action plan.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

The Appropriations Committee on Pre-K - 12 Education (Smith)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (q) is added to subsection (3) of
section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—Parents of public
school students must receive accurate and timely information
regarding their child's academic progress and must be informed
of ways they can help their child to succeed in school. K-12



400692

students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(q) Anaphylaxis policy.—

1. Each district school board and charter school governing board shall require each school that serves students in kindergarten through grade 8 to provide training to an adequate number of school personnel and contracted personnel in preventing and responding to allergic reactions, including anaphylaxis. This training must include recognizing the signs of an anaphylactic reaction and administering an epinephrine auto-injector. Each district school board and charter school governing board shall also require that, for each student in kindergarten through grade 8 who has an emergency action plan for anaphylaxis, such plan must be in effect and accessible at all times when the student is on school grounds during the school day or participating in school-sponsored activities. This includes extracurricular activities, athletics, school dances, and contracted before-school or after-school programs at the student's school.

2. The State Board of Education, in consultation with the Department of Health, shall adopt rules to implement this paragraph, including identifying an approved training curriculum, by October 1, 2025.

Section 2. This act shall take effect July 1, 2025.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause



400692

and insert:

A bill to be entitled

An act relating to anaphylaxis in public and charter schools; amending s. 1002.20, F.S.; requiring each district school board and charter school governing board to require that a school that serves students in kindergarten through grade 8 provide specified training to an adequate number of personnel; requiring that the training include recognizing the signs of an anaphylactic reaction and administering an epinephrine auto injector; requiring each district school board and charter school governing board to require that a student's emergency action plan remain effective at all times while the student is on school grounds; requiring the State Board of Education, in consultation with the Department of Health, to adopt rules by a specified date; providing an effective date.

By the Committee on Education Pre-K - 12; and Senators Smith, Arrington, and Davis

581-02833-25

20251514c1

A bill to be entitled

An act relating to anaphylaxis in public schools; amending s. 1006.07, F.S.; requiring each district school board to ensure that specified emergency action plans are effective at all times when certain students are on campus; requiring each district school board to ensure that school personnel and employees and contracted personnel of before-school and after-school programs at school receive certain training to allergic reactions and anaphylaxis; requiring that a member of school personnel with such training be on school grounds; providing requirements for such training; authorizing the State Board of Education to adopt rules; providing an effective date.

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

Section 1. Subsection (12) is added to section 1006.07, Florida Statutes, to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(12) ANAPHYLAXIS POLICY.—

(a) Each district school board shall ensure that for a student with an emergency action plan, his or her emergency action plan is effective at all times when he or she is on

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581-02833-25

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campus, including during extracurricular activities, athletics, school dances, and contracted before-school and after-school programs at his or her school. Each district school board shall ensure that each school within the district has provided training to school personnel on preventing and responding to an allergic reaction, including anaphylaxis, and that each before-school and after-school program at a school within the district has provided such training to its employees and contracted personnel. At least one member of school personnel with such training must be on school grounds to execute a student's emergency action plan. The requirements for such training must include training in the administration of emergency epinephrine, including epinephrine autoinjectors and epinephrine nasal sprays.

(b) The State Board of Education may adopt rules to administer this subsection, including identifying an approved training curriculum for the training required under this subsection.

Section 2. This act shall take effect July 1, 2025.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Committee on Pre-K - 12 Education

BILL: CS/SB 1708

INTRODUCER: Education Pre-K - 12 Committee and Senator Calatayud and others

SUBJECT: Education

DATE: April 14, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Pre-meeting</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1708 modifies provisions related to persistently low performing school and Schools of Hope. Specifically, the bill:

- Adds another category of “persistently low-performing schools.”
- Specifies that an operator of one or more Schools of Hope designated as a local education agency may directly report students to the Department of Education (DOE).
- Allows the operator of a School of Hope to submit a notice of intent to a school district to use underused, vacant or surplus facilities and requires the school district to negotiate an agreement for the use of those facilities.
- Allows a School of Hope to co-locate with another public school under certain circumstances and provides provisions regarding maintenance of the facilities and non-instructional services.
- Authorizes the State Board of Education to resolve disputes arising from a mutual management agreement.

This bill could have both positive and negative fiscal impacts on the school districts that are required to meet the provisions of this bill. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Persistently Low-Performing Schools

Florida law defines a persistently low-performing school as a school that has earned three grades lower than a “C” in at least three of the previous five years that the school has received a school grade and has not earned a grade of “B” or higher the most recent two school years, or a school that was closed within two years after a submission of a notice of intent to implement a district managed turnaround plan.¹ Based on 2023-2024 data, there are 51 Florida public schools identified as persistently low-performing schools. All 51 schools are Title I schools, 50 schools served 100 percent economically disadvantaged students and 46 of the 51 schools were comprised of more than 75 percent minority students.²

Florida’s Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools. During the 2022-2023 school year, 382,367 students were enrolled in 726 charter schools in 46 school districts.³

Charter schools are open to all students residing within the district; however, charter schools are allowed to target students within specific age groups or grade levels, students considered at-risk of dropping out or failing, students wishing to enroll in a charter school-in-the-workplace or charter school-in-a-municipality, students residing within a reasonable distance of the school, students who meet reasonable academic, artistic or other eligibility standards established by the charter school, or students articulating from one charter school to another.

Charter schools are created when an individual, a group of parents or teachers, a business, a municipality, or a legal entity applies to the school district or other charter school sponsor; the sponsor district approves the application; the applicants form a governing board that negotiates a contract with the sponsor; and the applicants and sponsor agree upon a charter or contract. The negotiated contract outlines the expectations of both parties regarding the school's academic and financial performance.

A charter school must be organized as, or be operated by, a nonprofit organization. The charter school may serve at-risk students, or offer a specialized curriculum or core academic program, provide early intervention programs, or serve exceptional education students.⁴

All charter applicants must prepare and submit an application on a model application form prepared by the Department of Education (DOE), which:

- Demonstrates how the school will use the guiding principles.

¹ Section 1002.333(1), F.S.

² Florida Department of Education, *2023-2024 Persistently Low-Performing Schools*, <https://www.fldoe.org/core/fileparse.php/18534/urlt/PLP24.xlsx> (last visited Apr. 04, 2025)..

³ Florida Department of Education, Office of Independent Education & Parental Choice, *Fact Sheet Florida’s Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

⁴ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Mar. 26, 2025). See also s. 1002.33, F.S.

- Provides a detailed curriculum.
- Contains goals and objectives for improving student learning.
- Describes the separate reading curricula and differentiated strategies.
- Contains an annual financial plan.

A school board or other sponsor is required to review all charter school applications and, within 90 days of receipt, approve or deny the application. A charter school may be sponsored by any of the following:

- A district school board.
- A state university approved to sponsor certain lab schools.
- A state university approved by the DOE.
- A Florida College System institution approved by the DOE.⁵

Florida law outlines the duties of charter school sponsors. The sponsor is required to monitor and review the charter school to ensure progress toward the goals established in the charter and to monitor revenues and expenditures of the charter school. The sponsor is also required to ensure that the charter school participates in the state's educational accountability system but is prohibited from applying its policies to a charter school or imposing additional reporting requirements except when the charter school is experiencing a deteriorating financial condition or emergency. The sponsor is required to submit to the DOE via a web-based format an annual report that includes the following:

- The number of applications for charter school received annually.
- The applicant's contact information.
- The date each application was approved, denied or withdrawn.
- The date each final contract was executed.

The DOE is required to compile an annual report by sponsor each year and post the report on the DOE website by January 15 of each year.

Florida law also provides for accountability of charter school sponsors that requires the DOE to develop a sponsor evaluation framework. At a minimum the framework is required to address the following:

- The sponsor's vision toward charter school authorization and progress toward that vision.
- The alignment of sponsor policies and practices for charter school authorization and best practices.
- The academic and financial performance of charter schools overseen by the sponsor.
- The status of charters schools authorized by the sponsor.

The DOE is required to compile the results of the evaluations and publish the results as part of the required reporting of monitoring of charter schools.⁶

⁵ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.shtml> (last visited Apr. 8, 2025). See also s. 1002.33, F.S.

⁶ Section 1002.33(5), F.S.

Schools of Hope

Schools of Hope are charter schools operated by a Hope operator which serves students from one or more persistently low-performing schools. These schools are located in the attendance zone or within a five-mile radius of a persistently low-performing school, whichever is greater. Schools of Hope are Title I eligible schools.⁷ There are currently 12 Schools of Hope operating in Florida.⁸

A Hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code that operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families, and is designated by the State Board of Education (SBE) as a Hope operator based on a determination that the past performance of the Hope operator meets or exceeds the following criteria:

- The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate.
- The average college attendance rate of previously enrolled students at all schools currently operated by the operator exceeds 80 percent, if data is available.
- The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent.
- The operator is in good standing with the authorizer in each state in which it operates.
- The audited financial statements of the operator are free of material misstatements and going concern issues.
- Additional outcome measures as determined by the SBE.⁹

Additionally, the Hope operator is required to have been awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding three years before applying to be a Hope operator. The hope operator must either be receiving funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools or has been selected by a district school board in accordance with Florida law.¹⁰

The seven Florida designated Hope operators are: Mater Academy, Redlands Christian Migrant Association (RCMA), Democracy Prep Public Schools, Inc., IDEA Public Schools, Success Academy, Renaissance/Warrington Preparatory Academy and KIPP New Jersey.¹¹

⁷ Florida Department of Education, *Schools of Hope*, <https://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Apr. 8, 2025).

⁸ Email, Florida Department of Education, Legislative Affairs (Mar. 6, 2025).

⁹ Section 1002.333(2), *F.S.*

¹⁰ Section 1002.333, *F.S.*

¹¹ Florida Department of Education, *Schools of Hope*, <https://www.fldoe.org/schools/school-choice/other-school-choice-options/schools-of-hope/> (last visited Apr. 8, 2025).

A Hope operator must enter into a performance-based agreement with a school district in order to serve students from persistently low-performing schools or students residing in a Florida Opportunity Zone.¹² The performance-based agreement is required to include the following:

- The notice of intent, which is incorporated by reference and attached to the agreement.
- The location or geographic area proposed for the School of Hope and its proximity to the persistently low-performing school.
- The grades to be served in each year of the agreement and whether the school will serve children in the school readiness or prekindergarten programs.
- A plan of action and specific milestones for student recruitment and the enrollment of students from persistently low-performing schools and students residing in a Florida Opportunity Zone.
- Outline the current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used.
- A description of the methods of involving parents.
- The grounds for termination.
- A provision allowing the Hope operator to open additional schools.
- A provision establishing the initial term as five years.
- A requirement to provide transportation.
- A requirement that any debt incurred by the School of Hope from a source other than the state or a school district does not incur a liability for the state or school district.
- A provision that any loans, bonds, or other financial agreements are not obligations of the state or the school district.
- A prohibition on the pledge of credit or taxing power of the state or the school district.¹³

A School of Hope is required to provide the school district with a concise, uniform, quarterly financial statement summary that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance are required to be in the format prescribed by the Governmental Accounting Standards Board. Additionally, a School of Hope is required to comply with the annual audit requirement for charter schools.¹⁴

Facilities

School districts must periodically update their inventory of educational facilities into the Florida Inventory of School Houses as new capacity becomes available and as unsatisfactory space is eliminated.¹⁵ By each April 1, the DOE must update and publish a final list of all underused, vacant, or surplus facilities owned or operated by each school district. A Hope operator establishing a School of Hope may use an educational facility identified in this list at no cost or at a mutually agreeable cost not to exceed \$600 per student.¹⁶

¹² Section 1002.333(1), F.S. “Florida Opportunity Zone” means a population census tract that is a low-income community and that has been designated by the United States Department of the Treasury as a Qualified Opportunity Zone pursuant to s. 1400Z-1(b)(1)(B) of the Internal Revenue Code. Section 1002.333(1)(a), F.S.

¹³ Section 1002.33(5), F.S.

¹⁴ Section 1002.33(6), F.S.

¹⁵ Section 1013.31(1), F.S.

¹⁶ Section 1002.333(7), F.S.

State Board of Education Authority

In addition to obligations relating to the identification of persistently low-performing schools and development of standard notice of intent and performance-based agreements, the State Board of Education must resolve disputes between a Hope operator and a school district arising from a performance-based agreement or a contract between a charter operator and a school district under its authority to enforce public school improvement.¹⁷

III. Effect of Proposed Changes:

This bill modifies s. 1002.333, F.S., to provide an additional category of a persistently low-performing school by designating as persistently low-performing those schools that are in the bottom 10 percent of schools statewide for performance on the grade three statewide standardized English Language Arts assessment or the grade four statewide standardized mathematics assessment in at least two of the previous three years. The modification will greatly increase the number of schools being designated as persistently low-performing schools compared to the current 51 schools.

The bill clarifies that a nonprofit entity designated as a local education agency may directly report its students to the Department of Education (DOE).

The bill modifies provisions for Schools of Hope to allow a School of Hope operator to submit to a school district a notice of intent to utilize all or a portion of underused, vacant or surplus facilities owned or operated by the school district. The bill requires that the school district negotiate an agreement for the noticed use.

Additionally, the bill provides a provision allowing for a School of Hope to co-locate with another public school that has a utilization rate below 50 percent or a surplus of 500 student stations as long as the total combined enrollment does not exceed the capacity of the facility. The provision requires that the enrolled students in the School of Hope be included in the school district's total for capital outlay full-time equivalent membership and for calculating the Public Education Capital Outlay maintenance funds for the facility. The bill prohibits the school district from charging the School of Hope a rental or leasing fee but allows for a charge for use, operation, and maintenance as agreed upon but not to exceed \$600 per student. The terms are to be spelled out in a mutual management agreement. The bill provides specific requirements for the agreement and requires that the School of Hope receive non-instructional services from the school district on a pro rata basis. The provision will only apply to schools seeking to co-locate in Miami-Dade County Public schools.

The bill requires that the State Board of Education resolve disputes between the school district and the School of Hope operator that arise from the mutual management agreement.

The bill takes effect on July 1, 2025.

¹⁷ Section 1002.333(11), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill could have both positive and negative fiscal impacts on the districts that are required to meet the provisions of this bill. A positive fiscal impact may be provided for districts that co-locate with a school of hope as the district should include those students in their total capital outlay full-time equivalent membership for calculating the Public Education Capital Outlay maintenance funds. There could be a negative fiscal impact for those districts that co-locate as a rental or leasing fee may not be charged but allows for a charge for use, operation, and maintenance as agreed upon but not to exceed \$600 per student.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.333 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education Pre-K - 12 on March 31, 2025:

The committee substitute removes the provisions related to Schools of Hope of distinction and removes associated provisions related to the use of educational facilities by such schools. The bill focuses on persistently low-performing schools and provisions related to Schools of Hope. Specifically, the committee substitute:

- Allows a School of Hope to submit a notice of intent to use specific underutilized facilities and requires the school district to negotiate with the school to utilize the specific facility.
- Allows a School of Hope to co-locate with a public school under certain circumstances and makes a provision for calculating the Public Education Capital Outlay maintenance funds for the facility.
- Prohibits the school district from charging the School of Hope that is co-locating a rental or leasing fee however allows for costs associated with use and maintenance but limits those costs.
- Requires the School of Hope and the school district to enter into a mutual management agreement and provides how any disputes will be resolved.
- Removes from the bill the provision requiring Department of Education audits of school district educational plant surveys.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senators Calatayud and Gruters

581-03085-25

20251708c1

A bill to be entitled

An act relating to education; amending s. 1002.333, F.S.; revising the definition of the term "persistently low-performing school"; authorizing certain entities to report their students directly to the Department of Education; making a technical change; revising the procedure followed by schools of hope in seeking to use certain school district educational facilities; authorizing schools of hope in certain counties to colocate with other public schools in certain facilities; requiring that students enrolled in schools of hope be included in specified school district calculations; prohibiting a rental or leasing fee from being charged to a school of hope; requiring maintenance of a facility to be provided to a school of hope at a mutually agreeable cost not to exceed a specified amount; providing requirements for a mutual management agreement; requiring a school of hope to receive noninstructional services from a school district on a pro rata basis; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1), paragraph (a) of subsection (6), paragraphs (a) and (d) of subsection (7), and paragraph (c) of subsection (11) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

581-03085-25

20251708c1

(1) DEFINITIONS.—As used in this section, the term:

(c) "Persistently low-performing school" means a school that falls into any of the following categories:

1. A school that Has earned three grades lower than a "C," pursuant to s. 1008.34, in at least 3 of the previous 5 years that the school received a grade and has not earned a grade of "B" or higher in the most recent 2 school years;~~—and~~

2. A school that Was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent; or

3. Was in the bottom 10 percent of schools statewide for student performance on the grade 3 statewide, standardized English Language Arts assessment or the grade 4 statewide, standardized Mathematics assessment in at least 2 of the previous 3 years.

(6) STATUTORY AUTHORITY.—

(a) A school of hope or a nonprofit entity that operates more than one school of hope through a performance-based agreement with a school district may be designated as a local education agency by the department, if requested, for the purposes of receiving federal funds and, in doing so, accepts the full responsibility for all local education agency requirements and the schools for which it will perform local education agency responsibilities.

1. A nonprofit entity designated as a local education agency may directly report its students to the department in accordance with the definitions in s. 1011.61 and pursuant to the department's procedures and timelines.

2. Students enrolled in a school established by a hope operator designated as a local educational agency are not

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 eligible students for purposes of calculating the district grade
60 pursuant to s. 1008.34(5).

61 (7) FACILITIES.—

62 (a) A school of hope shall use facilities that comply with
63 the Florida Building Code, except for the State Requirements for
64 Educational Facilities. A school of hope that uses school
65 district facilities must comply with the State Requirements for
66 Educational Facilities only if the school district and the hope
67 operator have entered into a mutual management plan for the
68 reasonable maintenance of such facilities. The mutual management
69 plan shall contain a provision by which the district school
70 board agrees to maintain the school facilities in the same
71 manner as its other public schools within the district. The
72 local governing authority may ~~shall~~ not adopt or impose any
73 local building requirements or site-development restrictions,
74 such as parking and site-size criteria, student enrollment, and
75 occupant load, that are addressed by and more stringent than
76 those found in the State Requirements for Educational Facilities
77 of the Florida Building Code. A local governing authority must
78 treat schools of hope equitably in comparison to similar
79 requirements, restrictions, and site planning processes imposed
80 upon public schools. The agency having jurisdiction for
81 inspection of a facility and issuance of a certificate of
82 occupancy or use shall be the local municipality or, if in an
83 unincorporated area, the county governing authority. If an
84 official or employee of the local governing authority refuses to
85 comply with this paragraph, the aggrieved school or entity has
86 an immediate right to bring an action in circuit court to
87 enforce its rights by injunction. An aggrieved party that

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88 receives injunctive relief may be awarded reasonable attorney
89 fees and court costs.

90 (d) 1. No later than January 1, the department shall
91 annually provide to school districts a list of all underused,
92 vacant, or surplus facilities owned or operated by the school
93 district as reported in the Florida Inventory of School Houses.
94 A school district may provide evidence to the department that
95 the list contains errors or omissions within 30 days after
96 receipt of the list. By each April 1, the department shall
97 update and publish a final list of all underused, vacant, or
98 surplus facilities owned or operated by each school district,
99 based upon updated information provided by each school district.
100 A hope operator establishing a school of hope may submit to a
101 school district a notice of intent to use, and the school
102 district must negotiate an agreement authorizing the use of, an
103 educational facility identified in this paragraph at no cost or
104 at a mutually agreeable cost not to exceed \$600 per student. A
105 hope operator using a facility pursuant to this paragraph may
106 not sell or dispose of such facility without the written
107 permission of the school district. For purposes of this
108 subparagraph ~~paragraph~~, the term “underused, vacant, or surplus
109 facility” means an entire facility or portion thereof which is
110 not fully used or is used irregularly or intermittently by the
111 school district for instructional or program use.

112 2. A school of hope located in a county as defined in s.
113 125.011(1) may colocate with another public school in any
114 facility that has a utilization rate of less than 50 percent or
115 a surplus of at least 500 student stations if the combined total
116 enrollment of the school does not exceed the capacity of the

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117 facility. Students enrolled in the school of hope must be
 118 included in the school district's total capital outlay full-time
 119 equivalent membership for purposes of s. 1013.62 and for
 120 calculating the Public Education Capital Outlay maintenance
 121 funds or any other maintenance funds for the facility. A rental
 122 or leasing fee may not be charged, but the use, operation, and
 123 maintenance of such facility must be provided to the school of
 124 hope at a mutually agreeable cost, not to exceed \$600 per
 125 student, pursuant to a mutual management agreement negotiated
 126 with the district school board. The agreement must include
 127 provisions related to student ages and grade levels, student and
 128 school safety requirements, supervision authority, applicable
 129 school board rules, and emergency shelter protocols. To avoid
 130 unnecessary duplication, the school of hope shall receive
 131 noninstructional services from the school district on a pro rata
 132 basis based on the number of students enrolled.

133 (11) STATE BOARD OF EDUCATION AUTHORITY AND OBLIGATIONS.-
 134 Pursuant to Art. IX of the State Constitution, which prescribes
 135 the duty of the State Board of Education to supervise the public
 136 school system, the State Board of Education shall:

137 (c) Resolve disputes between a hope operator and a school
 138 district arising from a performance-based agreement, a mutual
 139 management agreement, or a contract between a charter operator
 140 and a school district under the requirements of s. 1008.33. The
 141 Commissioner of Education shall appoint a special magistrate who
 142 is a member of The Florida Bar in good standing and who has at
 143 least 5 years' experience in administrative law. The special
 144 magistrate shall hold hearings to determine facts relating to
 145 the dispute and to render a recommended decision for resolution

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146 to the State Board of Education. The recommendation may not
 147 alter in any way the provisions of the performance-based
 148 agreement under subsection (5). The special magistrate may
 149 administer oaths and issue subpoenas on behalf of the parties to
 150 the dispute or on his or her own behalf. Within 15 calendar days
 151 after the close of the final hearing, the special magistrate
 152 shall transmit a recommended decision to the State Board of
 153 Education and to the representatives of both parties by
 154 registered mail, return receipt requested. The State Board of
 155 Education must approve or reject the recommended decision at its
 156 next regularly scheduled meeting that is more than 7 calendar
 157 days and no more than 30 days after the date the recommended
 158 decision is transmitted. The decision by the State Board of
 159 Education is a final agency action that may be appealed to the
 160 District Court of Appeal, First District in accordance with s.
 161 120.68. A charter school may recover attorney fees and costs if
 162 the State Board of Education determines that the school district
 163 unlawfully implemented or otherwise impeded implementation of
 164 the performance-based agreement pursuant to this paragraph.

165 Section 2. This act shall take effect July 1, 2025.