

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

581-03087-25

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1                   A bill to be entitled  
2       An act relating to education; amending s. 810.097,  
3       F.S.; defining the term "school bus"; specifying  
4       sufficient notice and prior warning for immediate  
5       arrest and prosecution for school bus trespassing;  
6       amending s. 901.15, F.S.; providing that a law  
7       enforcement officer may arrest a person without a  
8       warrant when there is probable cause to believe that  
9       the person has trespassed upon school grounds or  
10      facilities; amending s. 1002.42, F.S.; authorizing a  
11      private school in a county that meets certain criteria  
12      to construct new facilities on certain property;  
13      specifying that such construction is not subject to  
14      certain zoning or land use conditions; requiring such  
15      construction to meet certain health and safety  
16      requirements; amending s. 1002.33, F.S.; requiring a  
17      charter school sponsor to use a standard monitoring  
18      tool to monitor and review a charter school; amending  
19      s. 1002.84, F.S.; authorizing the Redlands Christian  
20      Migrant Association to use certain school readiness  
21      reimbursement rates; amending s. 1003.4282, F.S.;  
22      specifying that certain participation in marching band  
23      satisfies the physical education or performing arts  
24      credit requirement for a standard high school diploma;  
25      amending s. 1011.71, F.S.; authorizing the use of  
26      certain school district tax revenue for liability  
27      insurance; providing an effective date.

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

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Section 1. Subsection (5) of section 810.097, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

810.097 Trespass upon grounds or facilities of a school; penalties; arrest.—

(5) As used in this section, the term:

(a) "School" means the grounds or any facility, including school buses, of any kindergarten, elementary school, middle school, junior high school, or secondary school, whether public or nonpublic.

(b) "School bus" means any vehicle operated, owned, or contracted by a school district for student transportation.

(6) For purposes of this section, a clearly posted sign or a verbal warning provided by the school bus operator, the principal, a school district employee, or law enforcement personnel, indicating that unauthorized boarding or remaining on a school bus is prohibited and violators will be prosecuted, constitutes sufficient notice and satisfies the prior warning requirement necessary for immediate arrest and prosecution of any person who boards, enters, or remains upon a school bus without authorization.

Section 2. Paragraph (g) is added to subsection (9) of section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

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59 (g) Trespass upon school grounds or facilities, including  
60 school buses as defined in s. 810.097(5) (b), in violation of  
61 that section.

62 Section 3. Paragraph (c) is added to subsection (19) of  
63 section 1002.42, Florida Statutes, to read:

64 1002.42 Private schools.—

65 (19) FACILITIES.—

66 (c) A private school located in a county with four  
67 incorporated municipalities may construct new facilities, which  
68 may be temporary or permanent, on property purchased from or  
69 owned or leased by a library, community service organization,  
70 museum, performing arts venue, theater, cinema, or church under  
71 s. 170.201, which is or was actively used as such within 5 years  
72 of any executed agreement with a private school; any land owned  
73 by a Florida College System institution or university; and any  
74 land recently used to house a school or child care facility  
75 licensed under s. 402.305, under its preexisting zoning and land  
76 use designations without rezoning or obtaining a special  
77 exception or a land use change, and without complying with any  
78 mitigation requirements or conditions. Any new facility must be  
79 located on property used solely for purposes described in this  
80 paragraph, and must meet applicable state and local health,  
81 safety, and welfare laws, codes, and rules, including firesafety  
82 and building safety.

83 Section 4. Paragraph (b) of subsection (5) of section  
84 1002.33, Florida Statutes, is amended to read:

85 1002.33 Charter schools.—

86 (5) SPONSOR; DUTIES.—

87 (b) *Sponsor duties.*—

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88 1.a. The sponsor shall monitor and review the charter  
89 school, using the standard monitoring tool, in its progress  
90 toward the goals established in the charter.

91 b. The sponsor shall monitor the revenues and expenditures  
92 of the charter school and perform the duties provided in s.  
93 1002.345.

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

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

107 e. The sponsor shall ensure that the charter is innovative  
108 and consistent with the state education goals established by s.  
109 1000.03(5).

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

115 g. The sponsor is not liable for civil damages under state  
116 law for personal injury, property damage, or death resulting

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117 from an act or omission of an officer, employee, agent, or  
118 governing body of the charter school.

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

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

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

128 k. The sponsor shall submit an annual report to the  
129 Department of Education in a web-based format to be determined  
130 by the department.

131 (I) The report shall include the following information:

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

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

137 (C) The date each final contract was executed.

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

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

144 2. Immunity for the sponsor of a charter school under  
145 subparagraph 1. applies only with respect to acts or omissions

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146 not under the sponsor's direct authority as described in this  
147 section.

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

150 4. A Florida College System institution may work with the  
151 school district or school districts in its designated service  
152 area to develop charter schools that offer secondary education.  
153 These charter schools must include an option for students to  
154 receive an associate degree upon high school graduation. If a  
155 Florida College System institution operates an approved teacher  
156 preparation program under s. 1004.04 or s. 1004.85, the  
157 institution may operate charter schools that serve students in  
158 kindergarten through grade 12 in any school district within the  
159 service area of the institution. District school boards shall  
160 cooperate with and assist the Florida College System institution  
161 on the charter application. Florida College System institution  
162 applications for charter schools are not subject to the time  
163 deadlines outlined in subsection (6) and may be approved by the  
164 district school board at any time during the year. Florida  
165 College System institutions may not report FTE for any students  
166 participating under this subparagraph who receive FTE funding  
167 through the Florida Education Finance Program.

168 5. For purposes of assisting the development of a charter  
169 school, a school district may enter into nonexclusive interlocal  
170 agreements with federal and state agencies, counties,  
171 municipalities, and other governmental entities that operate  
172 within the geographical borders of the school district to act on  
173 behalf of such governmental entities in the inspection,  
174 issuance, and other necessary activities for all necessary

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175 permits, licenses, and other permissions that a charter school  
176 needs in order for development, construction, or operation. A  
177 charter school may use, but may not be required to use, a school  
178 district for these services. The interlocal agreement must  
179 include, but need not be limited to, the identification of fees  
180 that charter schools will be charged for such services. The fees  
181 must consist of the governmental entity's fees plus a fee for  
182 the school district to recover no more than actual costs for  
183 providing such services. These services and fees are not  
184 included within the services to be provided pursuant to  
185 subsection (20). Notwithstanding any other provision of law, an  
186 interlocal agreement or ordinance that imposes a greater  
187 regulatory burden on charter schools than school districts or  
188 that prohibits or limits the creation of a charter school is  
189 void and unenforceable. An interlocal agreement entered into by  
190 a school district for the development of only its own schools,  
191 including provisions relating to the extension of  
192 infrastructure, may be used by charter schools.

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

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204 Section 5. Subsection (17) of section 1002.84, Florida  
205 Statutes, is amended to read:

206 1002.84 Early learning coalitions; school readiness powers  
207 and duties.—Each early learning coalition shall:

208 (17) (a) Distribute the school readiness program funds as  
209 allocated in the General Appropriations Act to each eligible  
210 provider based upon the reimbursement rate by county, by  
211 provider type, and by care level. All instructions to early  
212 learning coalitions for distributing the school readiness  
213 program funds to eligible providers shall emanate from the  
214 department in accordance with the policies of the Legislature.

215 (b) All provider reimbursement rates shall be charged as  
216 direct services pursuant to s. 1002.89.

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218 Each early learning coalition and the Redlands Christian Migrant  
219 Association with approved prior year provider reimbursement  
220 rates for the infant to age 5 care levels that are higher than  
221 the provider reimbursement rates established in this subsection  
222 may continue to implement their ~~its~~ approved prior year provider  
223 reimbursement rates until the rates established in this  
224 subsection exceed its prior year rates.

225 Section 6. Paragraph (f) of subsection (3) of section  
226 1003.4282, Florida Statutes, is amended to read:

227 1003.4282 Requirements for a standard high school diploma.—

228 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
229 REQUIREMENTS.—

230 (f) *One credit in physical education.*—Physical education  
231 must include the integration of health. Participation in an  
232 interscholastic sport at the junior varsity or varsity level for



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233 two full seasons shall satisfy the one-credit requirement in  
234 physical education. A district school board may not require that  
235 the one credit in physical education be taken during the 9th  
236 grade year. Completion of 2 years of marching band shall satisfy  
237 the one-credit requirement in physical education or the one-  
238 credit requirement in performing arts. This credit may not be  
239 used to satisfy the personal fitness requirement or the  
240 requirement for adaptive physical education under an individual  
241 education plan (IEP) or 504 plan. Completion of one semester  
242 with a grade of "C" or better in a marching band class, in a  
243 physical activity class that requires participation in marching  
244 band activities as an extracurricular activity, or in a dance  
245 class shall satisfy one-half credit in physical education or  
246 one-half credit in performing arts. This credit may not be used  
247 to satisfy the personal fitness requirement or the requirement  
248 for adaptive physical education under an IEP ~~individual~~  
249 ~~education plan (IEP)~~ or 504 plan. Completion of 2 years in a  
250 Reserve Officer Training Corps (R.O.T.C.) class, a significant  
251 component of which is drills, shall satisfy the one-credit  
252 requirement in physical education and the one-credit requirement  
253 in performing arts. This credit may not be used to satisfy the  
254 personal fitness requirement or the requirement for adaptive  
255 physical education under an IEP or 504 plan.

256 Section 7. Paragraph (b) of subsection (5) of section  
257 1011.71, Florida Statutes, is amended to read:

258 1011.71 District school tax.—

259 (5) A school district may expend, subject to s. 200.065, up  
260 to \$200 per unweighted full-time equivalent student from the  
261 revenue generated by the millage levy authorized by subsection

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262 (2) to fund, in addition to expenditures authorized in  
263 paragraphs (2)(a)-(j), expenses for the following:

264 (b) Payment of the cost of premiums, as defined in s.  
265 627.403, for property and casualty insurance necessary to insure  
266 school district educational and ancillary plants. As used in  
267 this paragraph, casualty insurance has the same meaning as in s.  
268 624.605(1) (b), (d), (f), (g), (h), and (m). Operating revenues  
269 that are made available through the payment of property and  
270 casualty insurance premiums from revenues generated under this  
271 subsection may be expended only for nonrecurring operational  
272 expenditures of the school district.

273 Section 8. This act shall take effect July 1, 2025.