

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

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A bill to be entitled

An act relating to education; amending s. 810.097, F.S.; defining the term "school bus"; specifying sufficient notice and prior warning for immediate arrest and prosecution for school bus trespassing; amending s. 901.15, F.S.; providing that a law enforcement officer may arrest a person without a warrant when there is probable cause to believe that the person has trespassed upon school grounds or facilities; amending s. 1002.42, F.S.; authorizing a private school in a county that meets certain criteria to construct new facilities on certain property; specifying that such construction is not subject to certain zoning or land use conditions; requiring such construction to meet certain health and safety requirements; amending s. 1002.33, F.S.; requiring a charter school sponsor to use a standard monitoring tool to monitor and review a charter school; amending s. 1002.84, F.S.; authorizing the Redlands Christian Migrant Association to use certain school readiness reimbursement rates; amending s. 1003.4282, F.S.; specifying that certain participation in marching band satisfies the physical education or performing arts credit requirement for a standard high school diploma; amending s. 1011.71, F.S.; authorizing the use of certain school district tax revenue for liability insurance; requiring the Commissioner of Education to coordinate with school districts selected by the Department of Education to implement a policy for a

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specified school year prohibiting the use of cell phones while on school grounds or engaged in certain activities off school grounds; requiring the department to provide a report to the Legislature before a specified date; providing requirements for the report; requiring that the report include a model policy that school districts and charter schools may adopt; requiring that the report and model policy address the authorized use of cell phones and electronic devices during the school day by certain students; requiring that the report include specified student code of conduct provisions; providing an effective date.

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

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

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59 a verbal warning provided by the school bus operator, the
60 principal, a school district employee, or law enforcement
61 personnel, indicating that unauthorized boarding or remaining on
62 a school bus is prohibited and violators will be prosecuted,
63 constitutes sufficient notice and satisfies the prior warning
64 requirement necessary for immediate arrest and prosecution of
65 any person who boards, enters, or remains upon a school bus
66 without authorization.

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

69 901.15 When arrest by officer without warrant is lawful.—A
70 law enforcement officer may arrest a person without a warrant
71 when:

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

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

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

79 1002.42 Private schools.—

80 (19) FACILITIES.—

81 (c) A private school located in a county with four
82 incorporated municipalities may construct new facilities, which
83 may be temporary or permanent, on property purchased from or
84 owned or leased by a library, community service organization,
85 museum, performing arts venue, theater, cinema, or church under
86 s. 170.201, which is or was actively used as such within 5 years
87 of any executed agreement with a private school; any land owned

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by a Florida College System institution or university; and any
land recently used to house a school or child care facility
licensed under s. 402.305, under its preexisting zoning and land
use designations without rezoning or obtaining a special
exception or a land use change, and without complying with any
mitigation requirements or conditions. Any new facility must be
located on property used solely for purposes described in this
paragraph, and must meet applicable state and local health,
safety, and welfare laws, codes, and rules, including firesafety
and building safety.

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

1002.33 Charter schools.—

(5) SPONSOR; DUTIES.—

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter
school, using the standard monitoring tool, 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

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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).

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

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(I) The report shall include the following 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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175 cooperate with and assist the Florida College System institution
176 on the charter application. Florida College System institution
177 applications for charter schools are not subject to the time
178 deadlines outlined in subsection (6) and may be approved by the
179 district school board at any time during the year. Florida
180 College System institutions may not report FTE for any students
181 participating under this subparagraph who receive FTE funding
182 through the Florida Education Finance Program.

183 5. For purposes of assisting the development of a charter
184 school, a school district may enter into nonexclusive interlocal
185 agreements with federal and state agencies, counties,
186 municipalities, and other governmental entities that operate
187 within the geographical borders of the school district to act on
188 behalf of such governmental entities in the inspection,
189 issuance, and other necessary activities for all necessary
190 permits, licenses, and other permissions that a charter school
191 needs in order for development, construction, or operation. A
192 charter school may use, but may not be required to use, a school
193 district for these services. The interlocal agreement must
194 include, but need not be limited to, the identification of fees
195 that charter schools will be charged for such services. The fees
196 must consist of the governmental entity's fees plus a fee for
197 the school district to recover no more than actual costs for
198 providing such services. These services and fees are not
199 included within the services to be provided pursuant to
200 subsection (20). Notwithstanding any other provision of law, an
201 interlocal agreement or ordinance that imposes a greater
202 regulatory burden on charter schools than school districts or
203 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.

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

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

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

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

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

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

1003.4282 Requirements for a standard high school diploma.—

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

(f) *One credit in physical education.*—Physical education must include the integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two full seasons shall satisfy the one-credit requirement in physical education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of 2 years of marching band shall satisfy the one-credit requirement in physical education or the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of one semester with a grade of "C" or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extracurricular activity, or in a dance class shall satisfy one-half credit in physical education or one-half credit in performing arts. This credit may not be used

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to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP ~~individual education plan (IEP)~~ or 504 plan. Completion of 2 years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an IEP or 504 plan.

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

1011.71 District school tax.—

(5) A school district may expend, subject to s. 200.065, up to \$200 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

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

Section 8. (1) The Commissioner of Education shall coordinate with six districts selected by the Department of Education which represent two small, two medium, and two large

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counties that currently implement, or will implement in the 2025-2026 school year, a policy that prohibits the use of cell phones and other personal electronic devices by students during the entire school day, while on school grounds, or while engaged in school activities off school grounds during the school day. The department shall provide a report to the President of the Senate and the Speaker of the House of Representatives before December 1, 2026, summarizing the effect of each district policy on student achievement and behavior. The report must also include a model policy that school districts and charter schools may adopt.

(2) The report and model policy must address the authorized use of cell phones or other electronic devices during the school day by students:

(a) With disabilities or who are English Language Learners who may need such electronic devices to access curriculum or other required activities.

(b) When necessary for health reasons, for emergency medical issues, or for natural or manmade disasters.

(c) On school buses, before or after school hours.

(d) Engaged in extracurricular activities outside of the school day.

(3) The report must also include student code of conduct provisions for violations of the policy restricting the use of cell phones and other electronic devices, including, but not limited to, those violations that:

(a) Constitute illegal behavior and may result in a referral to law enforcement.

(b) Facilitate bullying, harassing, or threatening other

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320 students.

321 (c) Facilitate cheating or otherwise violating a school's
322 policy for academic integrity.

323 (d) Capture or display any picture or video of any student
324 during a medical issue or engaged in misconduct.

325 Section 9. This act shall take effect July 1, 2025.