

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 Committee on Rules

BILL: CS/CS/SB 1702

INTRODUCER: Appropriations Committee on Pre-K - 12 Education; Education Pre-K - 12 Committee and Senator Burgess

SUBJECT: Education

DATE: April 15, 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>Fav/CS</u>
3.	<u>Sabitsch</u>	<u>Yeatman</u>	<u>RC</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1702 modifies or adds provisions related to charter school monitoring, school transportation, the Redlands Christian Migrant Association, high school graduation requirements and school district liability insurance. Specifically, the bill:

- Modifies the requirements for monitoring of charters schools to require the sponsor to use the standard monitoring tool.
- Defines a sufficient warning against trespassing on a school bus, which authorizes arrest and prosecution for a trespasser on a school bus.
- Authorizes private schools in certain counties to construct new temporary or permanent facilities on land that was owned by a church, library, theater, or school, and retain that zoning and land use designation.
- Includes the Redlands Christian Migrant Association in a hold-harmless provision for school readiness program reimbursement rates.
- Modifies graduation requirements to allow two years of marching band to satisfy the high school graduation one-credit requirement in physical education or of the one-credit requirement in performing arts in order to receive a standard high school diploma.
- Includes liability insurance in the listed types of casualty insurance that a school district may use the revenue generated by their discretionary millage levy to pay for the cost of premiums.
- Requires the Commissioner of Education to coordinate with selected school districts during the 2025-2026 school year and report to the Legislature student outcomes and policy recommendations from prohibitions on the use of electronic devices in schools.

The bill does not have a fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect on July 1, 2025.

II. Present Situation:

Trespassing on School Grounds

Florida law describes instances when a person who does not have legitimate business on a school campus or any additional authorization, license or invitation to enter or remain on school property or is a student who is currently suspended or expelled is guilty of a misdemeanor of the second degree when that person enters and remains on school property. Additionally, any person who enter or remains on school property after the principal or designee has directed the person to leave school property or to not enter school property is guilty of a misdemeanor of the first degree.¹

Florida law provides instances when an officer may make a lawful arrest without a warrant. These instances generally cover circumstances where an officer reasonably believes the person committed the offense, the offense was committed in the presence of the officer, a warrant has been issued and is held by another peace officer, or there is probable cause in certain circumstances.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.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

¹ Section 810.097, F.S.

² Section 901.15, F.S.

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.shtml> (last visited Apr. 3, 2025). See also s. 1002.33(10), F.S.

outlines the expectations of both parties regarding the school's academic and financial performance.⁵

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.

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.

A school board 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.⁶

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.

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 Apr. 3, 2025). See also s. 1002.33(6), F.S.

⁶ Florida Department of Education, *Frequently Asked Questions (Charter Schools)*, <https://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.stml> (last visited Apr. 3, 2025). See also s. 1002.33, F.S.

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 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 school authorized by the sponsor.

The DOE is required to compile the results of the evaluations and publish as part of the required reporting of monitoring of charter schools.⁷

Private School Facilities

A private school is defined in Florida law, as “an individual, association, copartnership, or corporation or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade” and is below the college level. Private elementary and secondary schools in Florida are not licensed, approved, accredited, or regulated by the Department of Education (DOE). Private schools are required to complete an online annual survey to provide information for inclusion in a statewide directory. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school.⁸

While private schools operate outside of the public education system, there remain some requirements in Florida law that are imposed on private schools as well as areas of authorization. Those laws address the following areas:

- Participation in the annual private school survey.
- Background screening for each private school owner.
- Retention of student records.
- Maintenance of records of attendance and reports.
- Required school-entry health examinations.
- Student immunization and attendance records.
- Student participation in high school athletic programs at public schools.
- Educational and instructional materials.
- Services for exceptional student education services.
- Professional learning systems.
- Bus driver training purchase of school buses.
- Emergency procedures and medications.
- Facilities and safe school officers.⁹

Specifically related to facilities, private schools are permitted to use property owned or leased by a library, community service organization, museum, performing arts venue, theater, cinema, church facility, Florida College System institution or university or other similar public

⁷ Section 1002.33(5), F.S.

⁸ Section 1002.01(3), F.S.

⁹ Section 1002.42, F.S.

institutional facilities, or a facility recently used to house a school or childcare facility under the facilities preexisting zoning and land use designations. There are similar provisions regarding the purchase of the same types of facilities by private schools. The facilities used or purchased must meet state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.¹⁰

School Readiness Program

Florida's School Readiness (SR) program offers low-income families financial assistance to facilitate access to high-quality childcare and early education for their children while parents work or participate in job training. The Division of Early Learning (DEL), under the Department of Education (DOE), administers the program at the state level while early learning coalitions (ELCs) administer the SR program at the county and regional levels. Funding comes from four sources including the Child Care and Development Block Grant, the Temporary Assistance for Needy Families Block Grant, the Social Services Block Grant, and the State of Florida.

The program's two main goals are to help families become financially self-sufficient and help each child from a qualifying family develop school readiness skills. The program gives children access to a quality early learning environment and supports parents with information about child development and family engagement. The quality environment of each SR provider is measured by the administration of a widely recognized tool that assesses the interactions between adults and children in the classroom.

In Fiscal Year 2022-23, there were 212,062 children participating in the SR program at 6,889 early learning providers. Total expenditures were \$990 million, which included \$36 million in administrative expenses, \$59 million in non-direct services expenditures, and \$80 million in quality expenditures.¹¹

Florida's ELCs are provided with specific powers and duties under Florida law to administer and implement a local, comprehensive program of school readiness program services. Specific duties of the ELCs are to:

- Establish a uniform waiting list for SR enrollment.
- Establish a resource and referral network and region warm-line services.
- Establish age-appropriate screening for children and implement age-appropriate pre- and post-assessments.
- Utilized a coordinated professional learning system.
- Determine child eligibility.
- Implement a parent sliding fee scale.
- Establish proper maintenance of records of eligibility and enrollment for the SR program as well as sign-in sign-out records.
- Adhere to property requirements and comply with federal procurement requirements.
- Establish information technology controls.
- Develop written policies, procedures and standards for monitoring vendor contracts.

¹⁰ Section 1002.42(19), F.S.

¹¹ Florida Department of Education, *Division of Early Learning 2023-2024 Annual Report (2024)*, available at <https://www.fldoe.org/file/20628/2324-DEL-AnnualReport.pdf>.

- Monitor SR program providers.
- Distribute SR funding and implement an antifraud plan.
- Annually report to the DOE.
- Maintain administrative staff at the minimum necessary to deliver the SR program.
- Adhere to limitations on contracting with specific persons or entities.¹²

As part of the requirements related to the distribution of SR funding, each ELC with approved prior year provider reimbursement rates for the infant to age five care levels that are higher than the provider reimbursement rates established in statute are allowed continue to implement the higher approved reimbursement rates until the rates established in statute exceed those rates.

The Redlands Christian Migrant Association is a not-for-profit organization whose purpose is to administer childcare and early childhood education centers for the children of migrant and seasonal farm workers whose families' total income meets the eligibility criteria for the SR program. RCMA's service area spans 20 Florida counties concentrated in rural areas.¹³

High School Graduation Requirements

Nearly all states have established minimum credit and course requirements to earn a standard diploma, but graduation requirements may also serve to assess specific skills and content knowledge prioritized by the state, evaluate college and career readiness, or offer multiple pathways to a diploma. At least 34 states and the District of Columbia require students to complete specific assessments to meet a graduation requirement.¹⁴

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹⁵

The 24-credit option for a standard diploma includes:

- Four credits in ELA I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or career and technical education.
- One credit in physical education which includes the integration of health.
- Seven and one-half credits in electives.
- One-half credit in personal financial literacy.

¹² Section 1002.84, F.S.

¹³ Florida Auditor General, *Redlands Christian Migrant Association, Inc. Financial Statements* (Mar. 2024), available at https://flauditor.gov/pages/nonprofit_forprofit%20rpts/2023%20redlands%20christian%20migrant%20association.pdf, at 10.

¹⁴ Education Commission of the States, *50- State Comparison: High School Graduation Requirements*, <https://www.ecs.org/50-state-comparison-high-school-graduation-requirements-2023/>, (last visited Apr. 3, 2025).

¹⁵ Section 1003.4282, F.S.

Florida allows completion of one semester with a grade of “C” or higher 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 to satisfy one-half credit in physical education or one-half credit in performing arts. Additionally, completion of two years in a Reserve Officer Training Corps (R.O.T.C.) class where a significant component of the class is drills, may be used to satisfy the one-credit requirement in physical education and the one-credit requirement in performing arts.¹⁶

School Board Discretionary Millage Levy

Each district school board is authorized to levy 1.5 mills against the taxable value for public school purposes to fund specific needs as identified in law, including, for example:

- New construction, remodeling projects, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.
- Payments for educational facilities and sites due under a lease-purchase agreement.
- Payment of costs of leasing relocatable educational facilities, of renting or leasing educational facilities and sites, or of renting or leasing buildings or space within existing buildings.¹⁷

In addition, a district school board may expend up to \$200 per unweighted FTE student from the revenue generated by the millage levy to fund expenses for:

- The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.
- Payment of the cost of premiums property and casualty insurance necessary to insure school district educational and ancillary plants.¹⁸

Wireless Communication Device Use in Florida Public Schools

In 2023,¹⁹ the Legislature required each district school board to adopt rules prohibiting student use of wireless communications devices during instructional time. The prohibition does not apply when device use is expressly directed by a teacher solely for educational purposes. Additionally, the rules must prohibit student access to social media platforms through internet access provided by the school district, with exceptions for instructional use. These rules must be included in each district's code of student conduct and published on the district's website.²⁰

District School Boards

District school boards are responsible for the general supervision and control of students enrolled in public schools.²¹ Each board must adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students, as well as maintain a code of student conduct.

¹⁶ Section 1003.4282(3), F.S.

¹⁷ Section 1011.71(2), F.S.

¹⁸ Section 1011.71(5), F.S.

¹⁹ Ch. 2023-36, Laws of Fla.

²⁰ See ss. 1006.07(2) and 1003.02(1), F.S.

²¹ Section 1003.02(1), F.S.

Students may possess wireless communications devices while on school property or attending school functions. However, school boards have the authority to adopt rules governing the use of such devices through their codes of student conduct.²²

The implementation of policies concerning wireless communications devices is left to the discretion of each district. As a result, local policies vary. Some districts prohibit student device use for the entire school day, while others allow limited use during non-instructional periods, such as lunch or between class periods.

Principals and Teachers

School principals are responsible for enforcing the student code of conduct and maintaining school safety and discipline. Principals may take disciplinary action consistent with board policies, including those governing the inappropriate use of wireless communication devices.²³

Teachers have the authority to manage student behavior and establish rules of conduct within their classrooms.²⁴ Within the framework of the district's code of conduct, teachers may designate specific locations or procedures for storing devices during instructional time to minimize distractions and maintain an orderly learning environment.²⁵

III. Effect of Proposed Changes:

This bill amends s. 810.097, F.S., to the term “school bus” and provides that a clearly posted sign or a verbal warning by a school bus operator, a principal, a school district employee or law enforcement personnel regarding trespassing constitutes sufficient notice. This notice satisfies the prior warning requirement for immediate arrest and prosecution of a person who boards, enters, or remains on a school bus without authorization.

The bill amends s. 901.15, F.S. to include that trespassing on school grounds, facilities or school buses is probable cause for arrest without a warrant.

The bill amends s. 1002.42, F.S., to allow private schools in certain counties with four incorporated municipalities (which are Bradford, Clay, and Sarasota) to construct new temporary or permanent facilities on property that was owned by a church, library, theater, or school, that was actively used for the zoned purpose with five years of an executed agreement and retain that existing zoning and land use designations. Additionally, the same applies to land that was owned by a Florida college System institution or university or land that was recently used to house a school or childcare facility. The new facility constructed by the private school is required to meet all applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety.

The bill amends s. 1002.33, F.S., to require that a sponsor of a charter school is required to use a standard monitoring tool when providing oversight of charter schools as required in s. 1002.33,

²² Section 1006.07(2), F.S.

²³ Section 1006.09(1), F.S.

²⁴ Section 1003.32(1), F.S.

²⁵ Section 1006.07(2), F.S.

F.S. The State Board of Education is required to adopt in rule a standard monitoring tool for use by charter school sponsors, however that rule has yet to be developed.²⁶

The bill amends s. 1002.84, F.S., to identify the Redlands Christian Migrant Association (RCMA) as an entity that is subject to the conditions in law regarding disbursement of School Readiness (SR) funds. The bill includes RCMA in the provision that if the organization had approved prior year provider SR reimbursement rates for the infant to age five care levels that were higher than the provider SR reimbursement rates established by the state, the organization would be allowed continue to implement the higher approved reimbursement rates until the rates established by the state exceed those rates.

The bill amends s. 1003.4282, F.S., to allow a student who has completed two years of marching band to satisfy the one-credit requirement in physical education or the one-credit requirement in performing arts to earn a standard high school diploma. The bill stipulates that the credit cannot be used to satisfy the personal fitness or adaptive physical education requirements under an individual education plan (IEP) or 504 plan.

The bill amends s. 1011.71, F.S. to add liability insurance in the listed types of casualty insurance that a school district may use the revenue generated by their discretionary millage levy to pay for the cost of premiums.

The bill requires the Commissioner of Education to coordinate with six selected school districts representing two small, two medium, and two large counties that currently implement a policy, or will implement a policy during the 2025-2026 school year that prohibits students from using cell phones and other personal electronic devices during the entire school day. This prohibition applies both on school grounds and while students are engaged in school-sponsored activities off campus during the school day.

The Department of Education must submit a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2026. The report must:

- Summarize the effect of each district policy on student achievement and behavior.
- Include a model policy that school districts and charter schools may adopt.

The bill further requires that the report and model policy account for circumstances under which the use of cell phones or other electronic devices during the school day by students may be authorized, including:

- For students with disabilities or English Language Learners (ELLs) who rely on such devices to access curriculum or other required activities.
- For health-related reasons, emergency medical issues, or disaster situations.
- On school buses before or after school hours.
- During extracurricular activities occurring outside of the school day.

The bill requires the report to also include student code of conduct provisions for violations of the policy, including, but not limited to, the following:

- Illegal behaviors involving device use that may warrant law enforcement involvement.

²⁶ Section 1002.33(28), F.S.

- Use of devices to bully, harass, or threaten other students.
- Use of devices to cheat or violate school academic integrity policies.
- Use of devices to capture or display any picture or video of any student during medical issues or misconduct.

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:

The bill does not have a fiscal impact on state revenues or expenditures. Should the Department of Education incur a cost associated with development of a model policy relating to the use of cell phones or other electronic devices, it is expected that the department would be able to absorb within their existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 810.097, 901.15, 1002.33, 1002.42, 1002.84, 1003.4282, and 1011.71.

The bill creates an undesignated section of Florida Law.

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

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

CS/CS by Appropriations Committee on Pre-K - 12 Education on April 10, 2025:

The committee substitute adds a requirement for the Commissioner of Education to coordinate with six school districts of various sizes that prohibit or will prohibit the use of cell phones and other personal electronic devices during the entire school day during the 2025-2026 school year, and provide a report to the Legislature by December 1, 2026, that:

- Documents the effects of the policy on student achievement and behavior;
- Includes a model policy that could be adopted in other districts and charter schools that includes authorized use of cell phones in certain circumstances; and
- Includes code of conduct provisions for violations of the policy, with specific circumstances.

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

The committee substitute retains provisions from the bill that require use of a standardized monitoring tool for charter schools and removes the provisions related to additional sponsors of Schools of Hope. The committee substitute adds to the bill the following:

- An authorization for private schools in certain counties to construct new temporary or permanent facilities on land that was owned by a church, library, theater, or school, and retain that zoning and land use designation.
- Inclusion of the Redlands Christian Migrant Association in a hold-harmless provision for school readiness program reimbursement rates.
- Authorization for two years of marching band to satisfy the high school graduation one-credit requirement in physical education or of the one-credit requirement in performing arts.
- The inclusion of liability insurance in the listed types of casualty insurance that a school district may use the revenue generated by their discretionary millage levy to pay for the cost of premiums.
- Strengthening the enforcement of trespassing laws on school property to specify that a verbal warning or posted sign is sufficient notice for prosecution, and authorize warrantless arrest based on probable cause for school bus trespass. This allows a law

enforcement officer to arrest based on probable cause—even if the person is no longer on the bus or the officer did not witness the trespass.

B. Amendments:

None.

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