



PreK-12 Appropriations Subcommittee

**Wednesday, January 24, 2024
9:00AM – 10:30AM
Morris Hall (17HOB)**

MEETING PACKET

**Paul Renner
Speaker**

**Josie Tomkow
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Appropriations Subcommittee

Start Date and Time: Wednesday, January 24, 2024 09:00 am
End Date and Time: Wednesday, January 24, 2024 10:30 am
Location: Morris Hall (17 HOB)
Duration: 1.50 hrs

Consideration of the following proposed committee bill(s):

PCB PKA 24-01 -- Education

Consideration of the following bill(s):

HB 553 Career-themed Courses by Dunkley
CS/HB 883 Short-acting Bronchodilator Use in Public and Private Schools by Choice & Innovation
Subcommittee, Koster

Chair's Budget Proposal for FY 2024-2025

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/22/2024 3:31PM by DAD

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB PKA 24-01 Education
SPONSOR(S): PreK-12 Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: PreK-12 Appropriations Subcommittee		Bailey	Potvin

SUMMARY ANALYSIS

The bill conforms law to the General Appropriations Act proposed by the House of Representatives for Fiscal Year 2024-2025 for prekindergarten through grade 12 education. Specifically, the bill:

- Establishes a transportation stipend that a public school student enrolled in kindergarten through grade 8 may receive from an eligible nonprofit scholarship-funding organization (SFO) for transportation to a Florida nonvirtual public school that is different from the school the student is assigned to or to a developmental research (lab) school.
 - Deletes transportation as an eligible use of the Family Empowerment Scholarship for Educational Options (FES EO) and the Florida Tax Credit (FTC) scholarships and deletes the funding amount of the transportation scholarship.
 - Repeals the Driving Choice Grant Program.
- Codifies:
 - the transfer of the students enrolled at the Florida Atlantic University Charter Lab K-12 School in St. Lucie County to the St. Lucie School District; and
 - the establishment of the Florida State University Charter Lab K-12 School in Leon County.
- Requires that students enrolled at a charter school sponsored by a Florida College System (FCS) institution or state university are funded in the Florida Education Finance Program (FEFP) and establishes the FEFP calculation methodology for such charter school students.
- Establishes the funding source and calculation methodology for capital outlay funds for a charter school sponsored by a FCS institution or state university.
- Establishes the Voluntary Prekindergarten (VPK) summer bridge program.
- Clarifies that the education foundation of the Florida Virtual School (FLVS) is eligible to participate in the matching grant program funded by the Florida Academic Improvement Trust Fund.

The bill provides for an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Developmental Research (Lab) Schools

Present Situation

There is a category of public schools established as developmental research (lab) schools.¹ A non-charter lab school must be affiliated with the college of education within the state university of closest geographic proximity. A charter lab school must be affiliated with the college of education within the state university that issued the charter but is not subject to the requirement that the state university be of closest geographic proximity. For purposes of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University (FAU), Florida State University (FSU), the University of Florida, and other universities approved by the State Board of Education (SBE) and the Legislature are authorized to sponsor a lab school.²

The limitation of one lab school per university does not apply to the following legislatively allowed charter lab schools:

- FSU Charter Lab K-12 School in Broward County
- FAU Charter Lab K-12 School in Palm Beach County
- FAU Charter Lab K-12 School in St. Lucie County³

For purposes of adopting the Fiscal Year 2024-2025 Public Schools PreK-12 Enrollments forecast, the Department of Education (DOE) provided information to the principals of the Education Estimating Conference that verified that beginning in Fiscal Year 2024-2025, the FAU Charter Lab K-12 in St. Lucie County would no longer be a charter lab school and the school's current year full-time equivalent (FTE) students would be transferred to St. Lucie School District. The Public Schools PreK-12 Enrollments forecast adopted at the January 10, 2024, Education Estimating Conference includes this transfer.⁴

Effects of Proposed Changes

The bill deletes the FAU Charter Lab K-12 School in St. Lucie County as an authorized charter lab school and the student currently attending this school will be transferred to the St. Lucie School District.

Charter Schools

Present Situation

Charter schools are tuition-free public schools created through an agreement or "charter" that provides flexibility relative to regulations created for traditional public schools.⁵ During the 2022-2023 school year, over 382,367 students were enrolled in 726 charter schools in 46 Florida school districts.⁶

Prior to 2021, a district school board was authorized to sponsor a charter school in the county over which the board had jurisdiction. In addition, a state university was authorized to sponsor a charter lab

¹ Section 1002.32(2), F.S.

² *Id.*

³ *Id.*

⁴ See, [Education Estimating Conference Public Schools PreK-12 Enrollment \(state.fl.us\)](https://www.fl.gov/education/education-estimating-conference-public-schools-prek-12-enrollment). (Last visited January 18, 2024).

⁵ Florida Department of Education, Fact Sheet Office of School Choice, *Florida's Charter Schools* (October 2023), available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf>. (Last visited January 17, 2024).

⁶ *Id.*

school.⁷ A Florida College System (FCS) institution was authorized to work with school districts in the FCS institution's designated service area to develop a charter school that offered secondary education, including an option for students to receive an associate degree upon high school graduation. If a FCS institution offered a teacher preparation program, it was authorized to operate one charter school for students in kindergarten through grade 12 and had to implement innovative blended learning instructional models for students in kindergarten through grade 8.⁸

In 2021, to address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, the Legislature passed legislation⁹ that modified the law to:

- Authorize the FCS institutions and state universities to solicit applications and sponsor charter schools upon approval by the State Board of Education (SBE). Additionally:
 - A state university-sponsored charter school may serve students from multiple school districts to meet regional education or workforce demands.
 - A FCS-sponsored charter school may exist in any county within its service area¹⁰ to meet workforce demands. A FCS-sponsored charter school may offer postsecondary programs leading to industry certifications for eligible charter school students.
- Remove the requirements that a FCS institution that operates an approved teacher preparation program:
 - May operate only one charter school; and
 - Must implement an innovative blended learning instructional model for students in kindergarten through grade 8 at a charter school it operates.
- Prohibit a FCS institution from reporting the FTE for any students participating in FCS-sponsored charter schools who receive FTE funding through the Florida Education Finance Program (FEFP).
- Clarify that a student enrolled in a charter school sponsored by a FCS institution or state university may not be included in the calculation of the school district's grade.

Additionally, the legislation established a methodology for determining the amount of funding students enrolled in a charter school sponsored by a FCS institution or state university would receive which is the sum of the total operating funds from the FEFP for the school district in which the school is located and the General Appropriations Act (GAA), including gross state and local funds; discretionary lottery funds; and funds from each school district's current operating discretionary millage, divided by the total funded weighted FTE, and multiplied by the FTE membership of the charter school.¹¹

The DOE is required to develop a tool that each FCS institution and state university sponsoring a charter school must use for purposes of calculating the funding amount for each eligible charter school student. The total amount obtained from the calculation must be appropriated from state funds in the GAA to the charter school.¹²

Capital outlay funding for a charter school sponsored by a FCS institution or state university is provided the same as a charter school sponsored by a district school board and consists of state funds when such funds are appropriated in the GAA and revenue resulting from the discretionary millage authorized in statute.¹³

⁷ Section 1002.33(5)(a)1. and 2., F.S.

⁸ Section 1002.33(5)(b)4., F.S.

⁹ Chapter 2021-35, Laws of Fla.

¹⁰ FCS institution service areas are defined in s. 1000.21(3), F.S.

¹¹ Section 1002.33(17)(b)2.a., F.S.

¹² Id.

¹³ Section 1002.33(17)(b)2.b., F.S.

Tallahassee Collegiate Academy

In January 2023, the SBE approved Tallahassee Community College's application to sponsor a charter school.¹⁴ On August 10, 2023, the Tallahassee Collegiate Academy (TCA) opened its doors to welcome the school's first students.¹⁵

The TCA is a STEM charter public high school and allows students to earn an associate in science degree while in high school. The enrollment for the 2023-2024 school year is 142 students as follows¹⁶:

Grade Level	Number	Percentage
9 th	82	57%
10 th	49	35%
11 th	11	8%

For Fiscal Year 2023-2024, \$1.6 million in recurring funds from the General Revenue Fund is appropriated to the TCA; this funding is not included in the FEFP.¹⁷

Effect of Proposed Changes

The bill establishes that funding for a charter school sponsored by a FCS institution or state university is included in the FEFP; this aligns with how charter schools sponsored by district school boards and charter lab schools that are funded.

The bill establishes the methodology for calculating the amount of FEFP funds that a student enrolled at a charter school sponsored by a FCS institution or state university will receive. This methodology includes the sum of the basic amount for current operations established in s. 1011.62(1)(s), F.S., the discretionary millage compression supplement established in s. 1011.62(5), F.S., and the state-funded discretionary contribution established in s. 1011.62(6), F.S. Charter schools whose students or programs meet the eligibility criteria in law are entitled to their proportionate share of categorical program funds included in the total FEFP.

Additionally, the bill provides that:

- The nonvoted required local millage established pursuant to s. 1011.71(1), F.S., that would otherwise be required for the charter schools, will be allocated from state funds.
- An equivalent amount of funds for the operating discretionary millage authorized in s. 1011.71(1), F.S., will be allocated to each charter school through a state-funded discretionary contribution established pursuant to s. 1011.62(6), F.S.
- The comparable wage factor as provided in s. 1011.62(2), F.S., is established as 1.000.

The bill also specifies that capital outlay funding for a charter school sponsored by a FCS institution or state university is determined as follows: multiply the maximum allowable nonvoted discretionary millage under s. 1011.71(2), F.S., by 96 percent of the current year's taxable value for school purposes for the district in which the charter school is located; divide the result by the total FTE student membership; and multiply the result by the FTE student membership of the charter school. The amount obtained is the discretionary capital improvement funds; these funds are from state funds provided in the GAA.

¹⁴ State Board of Education, January 18, 2023, meeting.

¹⁵ See, [Home - Tallahassee Collegiate Academy \(fl.edu\)](https://www.fl.edu). (Last visited January 17, 2024.)

¹⁶ See, *Charter Schools Program*, Presentation by Tallahassee Community College at the December 6, 2023, PreK-12 Appropriations Subcommittee meeting.

¹⁷ Specific appropriation 97A of ch. 2023-239, Laws of Fla.

School Choice Scholarships for Transportation

Present Situation

With the establishment of the Florida Tax Credit (FTC) scholarship program in 2001 and the Family Empowerment Scholarship Program for Educational Options (FES EO) in 2019, Florida has two scholarship programs that allow parents to apply for and receive a scholarship for their students to attend an eligible private school.

In 2021, the Legislature expanded the eligible uses of the FTC and FES-EO scholarship funds to include transportation to a Florida public school if the student elected to attend a Florida public school that is different from the public school the student is assigned to or to a lab school as defined in s. 1002.32, F.S. The amount of the transportation scholarship was \$750, if the school district does not provide the student with transportation to the public school.¹⁸

The Student Transportation Allocation in the FEFP is the funding source for the transportation scholarship. The Student Transportation Allocation is a categorical in the FEFP and provides funds to assist school districts with their costs associated with providing transportation to public school programs, including charter schools, for kindergarten through grade 12 student and migrant and exceptional student programs below kindergarten.¹⁹

For Fiscal Year 2021-2022, no transportation scholarships were funded.²⁰

In 2022, the Legislature adjusted the amount of the transportation scholarship as follows: a scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the DOE, whichever is greater.²¹

For Fiscal Year 2022-2023, a total of 696 transportation scholarships were funded for a total of \$415,875. All transportation scholarships were funded as either a full scholarship at \$750 or a half scholarship at \$375.²²

For Fiscal Year 2023-2024, based on the 3rd calculation of the FEFP, a total of 4,504 transportation scholarships have been funded for a total of \$5.9 million.²³ The amounts of the transportation scholarships range from \$750 to \$2,232.²⁴ As a result of the removal of the income eligibility requirement for the FES-EO scholarship beginning in Fiscal Year 2023-2024, the number of funded transportation scholarships increased by 547% compared to Fiscal Year 2022-2023.

Effect of Proposed Changes

The bill establishes a transportation stipend, contingent upon a legislative appropriation and on a first-come, first-served basis, for kindergarten through grade 8 public school students who enroll in a Florida nonvirtual public school which is not the public school the student is assigned to or to a lab school. The amount of the stipend is established in the GAA and an eligible nonprofit scholarship-funding organization (SFO) is the administrator of the stipend program.

With the establishment of the transportation stipend program, the bill also eliminates transportation as an eligible use of the FTC and FES-EO scholarships.

¹⁸ Chapter 2021-27, Laws of Fla.

¹⁹ Section 1011.68, F.S.

²⁰ See [Florida Education Finance Program \(FEFP\) Calculations \(fldoe.org\)](https://fldoe.org/FEFP-Calculations). (Last visited January 18, 2024).

²¹ Chapter 2022-154, Laws of Fla.

²² See [Florida Education Finance Program \(FEFP\) Calculations \(fldoe.org\)](https://fldoe.org/FEFP-Calculations). (Last visited January 18, 2024).

²³ See 2023-224 FEFP Third Calc on file with the PreK-12 Appropriations Subcommittee.

²⁴ See [Transportation-Scholarship-Award-Amounts-2023-24-VI.pdf \(stepupforstudents.org\)](https://stepupforstudents.org/Transportation-Scholarship-Award-Amounts-2023-24-VI.pdf) (Last visited January 18, 2024)

Driving Choice Grant Program

The Driving Choice Grant Program was established in 2022²⁵ within the DOE to improve access to reliable and safe transportation for students who participate in public educational school choices and to support innovative solutions that increase the efficiency of public school transportation. Grant proposals may include:

- Transportation resource planning and sharing among school districts and local governments.
- Developing or contracting with rideshare programs or developing carpool strategies.
- Developing options to reduce costs and increase efficiencies while improving access to transportation options for families.
- Developing options to address personnel challenges.
- Expanding the use of transportation funds under the FTC and FES-EO scholarship programs and the Student Transportation Allocation in the FEFP to help cover the cost of transporting students to and from school.²⁶

The DOE is required to publish on its website, by December 31, 2023, an interim report and by December 31, 2024, a final report that includes:

- Best practices used by grant recipients to increase transportation options for students, including any transportation barriers addressed by grant recipients.
- The number of students served by grant recipients including the number of students transported to a school that is different from the school to which the student is assigned.

The DOE provided the following data on December 21, 2023:²⁷

District Usage by Category	Number of Districts	Number of Students Served
Driver Incentive Programs	14	15,619
Contracted Transportation	6	1,790
Van (multi-purpose van) Purchase	16	1,111
School Bus Purchase(s)	6	898
Ridership Tracking or Routing Software	3	89,834
TOTAL	45*	249,252

*It is unclear if this is an unduplicated number.

For Fiscal Year 2022-23, \$15 million in nonrecurring funds from the General Revenue Fund was appropriated to the DOE for the Driving Choice Grant Program.²⁸ Section 23 of the Fiscal Year 2023-2024 GAA reverted the unexpended balance of funds (\$9,655,319) for the Driving Choice Grant Program and appropriated these funds for Fiscal Year 2023-2024 to the DOE for the same purpose.²⁹

Effect of Proposed Changes

The bill repeals the Driving Choice Grant Program.

²⁵ Chapter 2022- Laws of Fla.

²⁶ Section 1006.27(3)(a), F.S.

²⁷ See email from the Department of Education on December 21, 2023, on file in the PreK-12 Appropriations Subcommittee.

²⁸ Specific Appropriation 101 of ch. 2022-156, Laws of Fla.

²⁹ Section 34, ch. 2023-239, Laws of Fla.

Coordinated Screening and Progress Monitoring System

Present Situation

In 2021, the Legislature³⁰ required the DOE to design a coordinated screening and progress monitoring system (system) to assess emergent literacy and mathematics skills for Voluntary Prekindergarten (VPK) through grade 3 students based on identified standards. The results of implementing the system are required to be reported to the DOE and maintained in the education data warehouse.³¹

The DOE procured the system that measures student progress in the VPK program and public schools to identify the educational strengths and needs of students.³² The system measures student progress in meeting the appropriate expectations in early literacy and mathematics skills and in English language arts and mathematics standards.

To facilitate timely interventions and supports, the system must provide results from the first two administrations of the system to a student's teacher within 1 week and to the student's parent within 2 weeks of the administration of the progress monitoring.³³

Effects of Proposed Changes

The bill provides for early learning literacy skill instructional support through a summer bridge program to VPK students who exhibit a substantial deficiency and scored below the 10th percentile on the final administration of the system.

Educational Enrichment Allocation - FEFP

Present Situation

The Educational Enrichment Allocation is a categorical funded in the FEFP.³⁴ This categorical was established to assist school districts in providing educational enrichment activities and services that support and increase the academic achievement of students in grades kindergarten through 12.³⁵ Educational enrichment activities and services may be provided in a manner, and at any time during or beyond the regular 180-day term, identified by the school district as being the most effective and efficient way to best help the student progress from grade to grade and graduate from high school.³⁶

For Fiscal Year 2023-2024, the Educational Enrichment Allocation consists of a base amount as specified in the GAA. Beginning in Fiscal Year 2024-2025, the allocation must consist of the base amount that includes a workload adjustment based on changes in the unweighted FTE membership.³⁷

Effects of Proposed Changes

The bill clarifies that unless the school district's total FEFP funds per unweighted FTE student is greater than the statewide FEFP funds per student, the base amount of each school district's Educational Enrichment Allocation is the greater of either the school district's allocation base per eligible FTE student or the allocation factor specified in the GAA.

³⁰ Chapter 2021-10, Laws of Fla

³¹ *Id.*

³² Section 1008.25(9)(a)1., F.S.

³³ Section 1008.25(9)(c), F.S.

³⁴ Section 1011.62(7)(a), F.S.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

Voluntary Prekindergarten Assessments

Present Situation

The 2023 Implementing Bill³⁸ amends s. 1002.68(4), (5), and (6), F.S., to extend the timelines for the development and implementation of the methodology relating to performance metrics for the VPK providers and removes the provision that disqualifies VPK providers based on a failure to meet minimum program assessment composite scores. As these changes were made in the 2023 Implementing Bill, they expire on July 1, 2024.

Effects of Proposed Changes

The bill codifies in permanent law the changes made in section 4 of chapter 2023-240, Laws of Florida.

Florida Academic Improvement Trust Fund Matching Grants

Present Situation

The Florida Academic Improvement Trust Fund is utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund and to any public school district education foundation that is recognized by the school district as its designated K-12 education foundation.³⁹ For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation must be reserved for each public school district education foundation and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation with an opportunity to receive and match the appropriated funds.⁴⁰ Matching grants are proportionately allocated from the trust fund on the basis of matching each \$4 of state funds with \$6 of private funds.⁴¹

In the Fiscal Year 2023-2024, \$6 million in recurring funds from the General Revenue Fund is appropriated for the Florida Academic Improvement Trust Fund matching grant program.⁴²

The Florida Virtual School (FLVS) is a component of the delivery of public education within Florida's Early Learning-20 Education System⁴³. The FLVS is a public school, is authorized to serve any student in the state who meets the profile for success in this educational delivery context,⁴⁴ and is funded in the FEFP.⁴⁵ Additionally the FLVS has an established education foundation.⁴⁶

Effects of Proposed Changes

The bill clarifies that for purposes of the matching grants funded by the Florida Academic Improvement Trust Fund, an education foundation includes the education foundation established by the FLVS.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.31, F.S., establishing the transportation stipend for kindergarten to grade 8 students who enroll in a Florida nonvirtual public school that is different from the public school the student is assigned to or to a lab school under s. 1002.32, F.S.;

³⁸ Section 4 of ch. 2023-240, Laws of Fla.

³⁹ Section 1011.765(1), F.S.

⁴⁰ Section 1011.765(1)(a), F.S.

⁴¹ Section 1011.765(1)(b), F.S.

⁴² Specific Appropriation 89 of chapter 2023-239, Laws of Fla.

⁴³ Section 1000.04(4), F.S.

⁴⁴ Section 1002.37(1)(b), F.S.

⁴⁵ Section 1002.37(3), F.S.

⁴⁶ See, [Home :: FLVS Foundation](#). (Last visited January 19, 2024).

establishing requirements for receiving a stipend; and requiring an eligible nonprofit SFO to administer the stipend program.

- Section 2:** Amends s. 1002.32, F.S., deleting the FAU Charter K-12 Lab school as a legislatively authorized charter lab school in the state.
- Section 3:** Amends s. 1002.33, F.S., clarifying that charter schools sponsored by a FCS institution or state university are funded in the FEFP; describing the calculation methodology for determining the amount of FEFP funding for each charter school student; and clarifying the methodology for calculating the capital outlay funds for charter schools sponsored by a FCS institution or state university.
- Section 4:** Amends s. 1002.394, F.S., deleting transportation as an eligible use of the FES-EO scholarship and deleting the funding amount for the transportation scholarship.
- Section 5:** Amends s. 1002.395, F.S., deleting transportation as an eligible use of the FTC scholarship and deleting the funding amount for the transportation scholarship.
- Section 6:** Amends s. 1002.68, F.S., codifying in permanent law section 4 of chapter 2023-240, Laws of Florida.
- Section 7:** Amends s. 1006.27, F.S., deleting the Driving Choice Grant Program.
- Section 8:** Amends s. 1008.25, F.S., establishing the VPK summer bridge program and specifying the minimum number of total hours of instruction for the program.
- Section 9:** Amends s. 1011.62, F.S., clarifying the base amount of the Educational Enrichment allocation and conforming provision to changes made by the bill.
- Section 10:** Amends s. 1011.765, F.S., clarifying the education foundations eligible to participate in the matching grant program funds by the Florida Academic Improvement Trust Fund.
- Section 11:** Amends s. 1013.62, F.S., conforming provision to changes made by the bill.
- Section 12:** Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill conforms statutes to the budget proposed by the House of Representatives for Fiscal Year 2024-2025, which includes:

- \$1.6 million for the Tallahassee Collegiate Academy transferred to the FEFP.
- \$13.2 million for the transportation stipend.
- \$6.9 million for the VPK summer bridge program.
- \$1.0 million for the Florida Academic Improvement Trust Fund matching grant program.
- Transfers 1,497.99 FTE from FAU Charter K-12 Lab School to St. Lucie School District; no FEFP funds are appropriated to the charter lab school; however, St. Lucie School District's FEFP funds reflect the addition of the 1,497.99 FTE.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to education; amending s. 1002.31,
 3 F.S.; providing for certain students to receive a
 4 stipend for transportation to certain public schools,
 5 subject to legislative appropriation; providing
 6 eligibility requirements; providing requirements for
 7 the award and distribution of the stipends; providing
 8 duties for the Department of Education; providing for
 9 the amount of the stipend; providing that each
 10 household may only receive one stipend; providing that
 11 the stipend is not taxable income; providing
 12 liability; amending s. 1002.32, F.S.; revising the
 13 list of universities exempt from a certain limitation
 14 relating to charter lab schools; deleting the Lab
 15 School Educational Facility Trust Fund; conforming
 16 provisions to changes made by the act; amending s.
 17 1002.33, F.S.; revising provisions relating to budget
 18 projections for charter schools; requiring charter
 19 schools to report full-time equivalent student
 20 membership rather than student enrollments for funding
 21 purposes; providing that a specified funding
 22 calculation applies to charter schools sponsored by a
 23 school district; authorizing charter schools to
 24 receive specified funding under certain circumstances;
 25 providing that funding for students enrolled in

26 charter schools sponsored by state universities or
 27 Florida College System institutions is provided in the
 28 Florida Education Finance Program and General
 29 Appropriations Act; providing calculations for such
 30 funding; providing for the recalculation of such
 31 funding; providing a calculation for such charter
 32 school's capital outlay funding; deleting charter
 33 school eligibility for a specified incentive program;
 34 amending s. 1002.394, F.S.; revising the authorized
 35 uses of funds from the Family Empowerment Scholarship
 36 Program; conforming provisions to changes made by the
 37 act; amending s. 1002.395, F.S.; revising authorized
 38 uses of funds from the Florida Tax Credit Scholarship
 39 Program; conforming provisions to changes made by the
 40 act; amending s. 1002.68, F.S.; revising the program
 41 year for the Department of Education to adopt a
 42 specified methodology for the Voluntary
 43 Prekindergarten Education Program; revising the
 44 program year that specified provisions take effect
 45 relating to program providers and public schools;
 46 deleting provisions relating to program providers and
 47 public schools assessment composite scores; amending
 48 s. 1006.27, F.S.; deleting the Driving Choice Grant
 49 Program; amending s. 1008.25, F.S.; revising the
 50 criteria for a student to be referred to his or her

51 local school district to receive specified early
52 literacy support; requiring such students to receive
53 such support through a certain summer bridge program;
54 providing requirements for such program; deleting a
55 requirement for certain students with an individual
56 education plan to receive instruction in early
57 literacy skills; amending s. 1011.62, F.S.; revising
58 specified percentages within the Florida Education
59 Finance Program; providing that certain charter
60 schools are eligible for the state-funded
61 discretionary contribution; providing requirements for
62 the calculation of the base amount for school
63 districts' educational enrichment allocation; amending
64 s. 1011.765, F.S.; including specified organizations
65 and foundations as public school district education
66 foundations for specified purposes; amending s.
67 1013.62, F.S.; providing that charter schools
68 sponsored by Florida College System institutions and
69 state universities are ineligible for specified
70 funding; conforming a cross-reference; providing an
71 effective date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Subsection (7) is added to section 1002.31,

76 Florida Statutes, to read:

77 1002.31 Controlled open enrollment; public school parental
78 choice.—

79 (7) Contingent upon a legislative appropriation, and on a
80 first-come, first-served basis, a public school student enrolled
81 in kindergarten through grade 8 may receive a stipend from an
82 eligible nonprofit scholarship-funding organization, as defined
83 in s. 1002.395(2), for transportation to a Florida nonvirtual
84 public school that is different from the school to which the
85 student is assigned or to a developmental research school
86 authorized under s. 1002.32.

87 (a) For an eligible student to receive a stipend, the
88 student's parent must:

89 1. Submit an application to an eligible nonprofit
90 scholarship-funding organization for the specified school year
91 and by the deadline established by the organization.

92 2. Provide the documentation necessary to verify the
93 student's eligibility for the specified school year.

94 3. Be responsible for the payment of all transportation-
95 related expenses in excess of the amount of the stipend.

96 (b) An eligible nonprofit scholarship-funding organization
97 shall distribute the stipends to the parents of the eligible
98 students in accordance with the requirements for the
99 organization under this chapter.

100 (c) The Department of Education shall have the same duties

101 imposed by this chapter upon the department regarding the
 102 oversight of scholarship programs administered by an eligible
 103 nonprofit scholarship-funding organization.

104 (d) The amount of the stipend for an eligible student
 105 shall be as specified in the General Appropriations Act. A
 106 household that has more than one eligible student may only
 107 receive one stipend.

108 (e) Upon notification from the eligible nonprofit
 109 scholarship-funding organization that a student has been
 110 determined eligible for a stipend, the department shall release
 111 the student's stipend to the organization.

112 (f) Moneys received pursuant to this subsection do not
 113 constitute taxable income to the qualified student or his or her
 114 parent.

115 (g) No liability shall arise on the part of the state
 116 based on the stipend or use of the stipend.

117 Section 2. Subsection (2) and paragraphs (b) through (g)
 118 of subsection (9) of section 1002.32, Florida Statutes, are
 119 amended to read:

120 1002.32 Developmental research (laboratory) schools.—

121 (2) ESTABLISHMENT.—There is established a category of
 122 public schools to be known as developmental research
 123 (laboratory) schools (lab schools). Each lab school shall
 124 provide sequential instruction and shall be affiliated with the
 125 college of education within the state university of closest

126 geographic proximity. A lab school to which a charter has been
 127 issued under s. 1002.33(5)(a)2. must be affiliated with the
 128 college of education within the state university that issued the
 129 charter, but is not subject to the requirement that the state
 130 university be of closest geographic proximity. For the purpose
 131 of state funding, Florida Agricultural and Mechanical
 132 University, Florida Atlantic University, Florida State
 133 University, the University of Florida, and other universities
 134 approved by the State Board of Education and the Legislature are
 135 authorized to sponsor a lab school. The limitation of one lab
 136 school per university shall not apply to the following
 137 legislatively allowed charter lab schools: Florida State
 138 University Charter Lab K-12 School in Broward County, Florida
 139 State University Charter Lab K-12 School in Leon County, and
 140 Florida Atlantic University Charter Lab K-12 School in Palm
 141 Beach County, and Florida Atlantic University Charter Lab K-12
 142 School in St. Lucie County. The limitation of one lab school per
 143 university does not apply to a university that establishes a lab
 144 school to serve families of a military installation that is
 145 within the same county as a branch campus that offers programs
 146 from the university's college of education.

147 (9) FUNDING.—Funding for a lab school, including a charter
 148 lab school, shall be provided as follows:

149 ~~(b) There is created a Lab School Educational Facility~~
 150 ~~Trust Fund to be administered by the Commissioner of Education.~~

151 ~~Allocations from such fund shall be expended solely for the~~
 152 ~~purpose of facility construction, repair, renovation,~~
 153 ~~remodeling, site improvement, or maintenance. The commissioner~~
 154 ~~shall administer the fund in accordance with ss. 1013.60,~~
 155 ~~1013.64, 1013.65, and 1013.66.~~

156 (b)~~(e)~~ All operating funds provided under this section
 157 shall be deposited in a Lab School Trust Fund and shall be
 158 expended for the purposes of this section. The university
 159 assigned a lab school shall be the fiscal agent for these funds,
 160 and all rules of the university governing the budgeting and
 161 expenditure of state funds shall apply to these funds unless
 162 otherwise provided by law or rule of the State Board of
 163 Education. The university board of trustees shall be the public
 164 employer of lab school personnel for collective bargaining
 165 purposes for lab schools in operation prior to the 2002-2003
 166 fiscal year. Employees of charter lab schools authorized prior
 167 to June 1, 2003, but not in operation prior to the 2002-2003
 168 fiscal year shall be employees of the entity holding the charter
 169 and must comply with the provisions of s. 1002.33(12).

170 (c)~~(d)~~ Each lab school shall receive funds for capital
 171 improvement purposes in an amount determined as follows:
 172 multiply the maximum allowable nonvoted discretionary millage
 173 for capital improvements pursuant to s. 1011.71(2) by 96 percent
 174 of the current year's taxable value for school purposes for the
 175 district in which each lab school is located; divide the result

176 by the total full-time equivalent membership of the district;
 177 and multiply the result by the full-time equivalent membership
 178 of the lab school. The amount obtained shall be discretionary
 179 capital improvement funds and shall be appropriated from state
 180 funds in the General Appropriations Act ~~to the Lab School~~
 181 ~~Educational Facility Trust Fund.~~

182 (d) ~~(e)~~ In addition to the funds appropriated for capital
 183 outlay budget needs, lab schools may receive specific funding as
 184 specified in the General Appropriations Act for upgrading,
 185 renovating, and remodeling science laboratories.

186 (e) ~~(f)~~ Each lab school is designated a teacher education
 187 center and may provide inservice training to school district
 188 personnel. The Department of Education shall provide funds to
 189 the Lab School Trust Fund for this purpose from appropriations
 190 for inservice teacher education.

191 ~~(g) A lab school to which a charter has been issued under~~
 192 ~~s. 1002.33(5)(a)2. is eligible to receive funding for charter~~
 193 ~~school capital outlay if it meets the eligibility requirements~~
 194 ~~of s. 1013.62. If the lab school receives funds from charter~~
 195 ~~school capital outlay, the school shall receive capital outlay~~
 196 ~~funds otherwise provided in this subsection only to the extent~~
 197 ~~that funds allocated pursuant to s. 1013.62 are insufficient to~~
 198 ~~provide capital outlay funds to the lab school at one fifteenth~~
 199 ~~of the cost per student station.~~

200 Section 3. Paragraphs (b) and (c) of subsection (6) and

201 subsections (17) and (19) of section 1002.33, Florida Statutes,
 202 are amended to read:

203 1002.33 Charter schools.—

204 (6) APPLICATION PROCESS AND REVIEW.—Charter school
 205 applications are subject to the following requirements:

206 (b) A sponsor shall receive and review all applications
 207 for a charter school using the evaluation instrument developed
 208 by the Department of Education. A sponsor shall receive and
 209 consider charter school applications for charter schools to be
 210 opened at a time determined by the applicant. A sponsor may not
 211 charge an applicant for a charter any fee for the processing or
 212 consideration of an application, and a sponsor may not base its
 213 consideration or approval of a final application upon the
 214 promise of future payment of any kind. Before approving or
 215 denying any application, the sponsor shall allow the applicant,
 216 upon receipt of written notification, at least 7 calendar days
 217 to make technical or nonsubstantive corrections and
 218 clarifications, including, but not limited to, corrections of
 219 grammatical, typographical, and like errors or missing
 220 signatures, if such errors are identified by the sponsor as
 221 cause to deny the final application.

222 ~~1. In order to facilitate an accurate budget projection~~
 223 ~~process, a sponsor shall be held harmless for FTE students who~~
 224 ~~are not included in the FTE projection due to approval of~~
 225 ~~charter school applications after the FTE projection deadline.~~

226 ~~In a further effort to facilitate an accurate budget projection,~~
227 ~~within 15 calendar days after receipt of a charter school~~
228 ~~application, a sponsor shall report to the Department of~~
229 ~~Education the name of the applicant entity, the proposed charter~~
230 ~~school location, and its projected FTE.~~

231 1.2. In order to ensure fiscal responsibility, an
232 application for a charter school shall include a full accounting
233 of expected assets, a projection of expected sources and amounts
234 of income, including income derived from projected student
235 enrollments and from community support, and an expense
236 projection that includes full accounting of the costs of
237 operation, including start-up costs.

238 2.a.3.a. A sponsor shall by a majority vote approve or
239 deny an application no later than 90 calendar days after the
240 application is received, unless the sponsor and the applicant
241 mutually agree in writing to temporarily postpone the vote to a
242 specific date, at which time the sponsor shall by a majority
243 vote approve or deny the application. If the sponsor fails to
244 act on the application, an applicant may appeal to the State
245 Board of Education as provided in paragraph (c). If an
246 application is denied, the sponsor shall, within 10 calendar
247 days after such denial, articulate in writing the specific
248 reasons, based upon good cause, supporting its denial of the
249 application and shall provide the letter of denial and
250 supporting documentation to the applicant and to the Department

251 of Education.

252 b. An application submitted by a high-performing charter
 253 school identified pursuant to s. 1002.331 or a high-performing
 254 charter school system identified pursuant to s. 1002.332 may be
 255 denied by the sponsor only if the sponsor demonstrates by clear
 256 and convincing evidence that:

257 (I) The application of a high-performing charter school
 258 does not materially comply with the requirements in paragraph
 259 (a) or, for a high-performing charter school system, the
 260 application does not materially comply with s. 1002.332(2)(b);

261 (II) The charter school proposed in the application does
 262 not materially comply with the requirements in paragraphs
 263 (9)(a)-(f);

264 (III) The proposed charter school's educational program
 265 does not substantially replicate that of the applicant or one of
 266 the applicant's high-performing charter schools;

267 (IV) The applicant has made a material misrepresentation
 268 or false statement or concealed an essential or material fact
 269 during the application process; or

270 (V) The proposed charter school's educational program and
 271 financial management practices do not materially comply with the
 272 requirements of this section.

273
 274 Material noncompliance is a failure to follow requirements or a
 275 violation of prohibitions applicable to charter school

276 applications, which failure is quantitatively or qualitatively
 277 significant either individually or when aggregated with other
 278 noncompliance. An applicant is considered to be replicating a
 279 high-performing charter school if the proposed school is
 280 substantially similar to at least one of the applicant's high-
 281 performing charter schools and the organization or individuals
 282 involved in the establishment and operation of the proposed
 283 school are significantly involved in the operation of replicated
 284 schools.

285 c. If the sponsor denies an application submitted by a
 286 high-performing charter school or a high-performing charter
 287 school system, the sponsor must, within 10 calendar days after
 288 such denial, state in writing the specific reasons, based upon
 289 the criteria in sub-subparagraph b., supporting its denial of
 290 the application and must provide the letter of denial and
 291 supporting documentation to the applicant and to the Department
 292 of Education. The applicant may appeal the sponsor's denial of
 293 the application in accordance with paragraph (c).

294 3.4. ~~For budget projection purposes,~~ The sponsor shall
 295 report to the Department of Education the approval or denial of
 296 an application within 10 calendar days after such approval or
 297 denial. In the event of approval, the report to the Department
 298 of Education shall include the final projected FTE for the
 299 approved charter school.

300 4.5. A charter school may defer the opening of the

301 school's operations for up to 3 years to provide time for
 302 adequate facility planning. The charter school must provide
 303 written notice of such intent to the sponsor and the parents of
 304 enrolled students at least 30 calendar days before the first day
 305 of school.

306 (c)1. An applicant may appeal any denial of that
 307 applicant's application or failure to act on an application to
 308 the State Board of Education no later than 30 calendar days
 309 after receipt of the sponsor's decision or failure to act and
 310 shall notify the sponsor of its appeal. Any response of the
 311 sponsor shall be submitted to the State Board of Education
 312 within 30 calendar days after notification of the appeal. Upon
 313 receipt of notification from the State Board of Education that a
 314 charter school applicant is filing an appeal, the Commissioner
 315 of Education shall convene a meeting of the Charter School
 316 Appeal Commission to study and make recommendations to the State
 317 Board of Education regarding its pending decision about the
 318 appeal. The commission shall forward its recommendation to the
 319 state board at least 7 calendar days before the date on which
 320 the appeal is to be heard.

321 2. The Charter School Appeal Commission may reject an
 322 appeal submission for failure to comply with procedural rules
 323 governing the appeals process. The rejection shall describe the
 324 submission errors. The appellant shall have 15 calendar days
 325 after notice of rejection in which to resubmit an appeal that

326 | meets the requirements set forth in State Board of Education
 327 | rule. An appeal submitted subsequent to such rejection is
 328 | considered timely if the original appeal was filed within 30
 329 | calendar days after receipt of notice of the specific reasons
 330 | for the sponsor's denial of the charter application.

331 | 3.a. The State Board of Education shall by majority vote
 332 | accept or reject the decision of the sponsor no later than 90
 333 | calendar days after an appeal is filed in accordance with State
 334 | Board of Education rule. The State Board of Education shall
 335 | remand the application to the sponsor with its written decision
 336 | that the sponsor approve or deny the application. The sponsor
 337 | shall implement the decision of the State Board of Education.
 338 | The decision of the State Board of Education is not subject to
 339 | the provisions of the Administrative Procedure Act, chapter 120.

340 | b. If an appeal concerns an application submitted by a
 341 | high-performing charter school identified pursuant to s.
 342 | 1002.331 or a high-performing charter school system identified
 343 | pursuant to s. 1002.332, the State Board of Education shall
 344 | determine whether the sponsor's denial was in accordance with
 345 | sub-subparagraph (b)2.b. ~~(b)3.b.~~

346 | (17) FUNDING.—Students enrolled in a charter school,
 347 | regardless of the sponsorship, shall be funded based upon the
 348 | applicable program pursuant to s. 1011.62(1)(c) ~~as if they are~~
 349 | ~~in a basic program or a special program~~, the same as students
 350 | enrolled in ~~other~~ public schools in a school district. Funding

351 for a charter lab school shall be as provided in s. 1002.32.

352 (a) Each charter school shall report its full-time
353 equivalent student membership enrollment to the sponsor as
354 required in s. 1011.62(1)(a) ~~s. 1011.62~~ and in accordance with
355 the definitions in s. 1011.61. The sponsor shall include each
356 charter school's full-time equivalent student membership
357 enrollment in the sponsor's full-time equivalent student
358 membership report to the Department of Education ~~of student~~
359 ~~enrollment~~. All charter schools submitting full-time equivalent
360 student membership record information required by the department
361 ~~of Education~~ shall comply with the department's ~~Department of~~
362 ~~Education's~~ guidelines for electronic data formats for such
363 data, and all sponsors shall accept electronic data that
364 complies with the department's ~~Department of Education's~~
365 electronic format.

366 (b)1. ~~The basis for the agreement for~~ Funding students
367 enrolled in a charter school sponsored by a school district
368 shall be the sum of the school district's operating funds from
369 the Florida Education Finance Program as defined in s.
370 1011.61(5) ~~provided in s. 1011.62~~ and the General Appropriations
371 Act, including gross state and local funds, ~~discretionary~~
372 ~~lottery funds,~~ and funds from the school district's current
373 operating discretionary millage levy; divided by total funded
374 weighted full-time equivalent students in the school district;
375 and multiplied by the weighted full-time equivalent students for

376 | the charter school. Charter schools whose students or programs
 377 | meet the eligibility criteria in law are entitled to their
 378 | proportionate share of categorical program funds included in the
 379 | total funds available in the Florida Education Finance Program
 380 | by the Legislature, including the student transportation
 381 | allocation, and the educational enrichment ~~evidence-based~~
 382 | ~~reading~~ allocation. Total funding for each charter school shall
 383 | be recalculated during the year to reflect the revised
 384 | calculations under the Florida Education Finance Program by the
 385 | state and the actual weighted full-time equivalent students
 386 | reported by the charter school during the full-time equivalent
 387 | student survey periods designated by the Commissioner of
 388 | Education. For charter schools operated by a not-for-profit or
 389 | municipal entity, any unrestricted current and capital assets
 390 | identified in the charter school's annual financial audit may be
 391 | used for other charter schools operated by the not-for-profit or
 392 | municipal entity within the school district. For charter schools
 393 | operated by a not-for-profit entity, any unrestricted current or
 394 | capital assets identified in the charter school's annual audit
 395 | may be used for other charter schools operated by the not-for-
 396 | profit entity which are located outside of the originating
 397 | charter school's school district, but within the state, through
 398 | an unforgivable loan that must be repaid within 5 years to the
 399 | originating charter school by the receiving charter school.
 400 | Unrestricted current assets shall be used in accordance with s.

401 1011.62, and any unrestricted capital assets shall be used in
 402 accordance with s. 1013.62(2).

403 2.a. Funding for students enrolled in a charter school
 404 sponsored by a state university or Florida College System
 405 institution pursuant to paragraph (5)(a) shall be provided in
 406 ~~funded as if they are in a basic program or a special program in~~
 407 ~~the school district. The basis for funding these students is the~~
 408 ~~sum of the total operating funds from the Florida Education~~
 409 ~~Finance Program for the school district in which the school is~~
 410 ~~located as defined provided in s. 1011.61(5) s. 1011.62 and~~
 411 specified in the General Appropriations Act. The calculation to
 412 determine the amount of state funds includes: the sum of the
 413 basic amount for current operations established in s.
 414 1011.62(1)(s), the discretionary millage compression supplement
 415 established in s. 1011.62(5), and the state-funded discretionary
 416 contribution established in s. 1011.62(6). Charter schools whose
 417 students or programs meet the eligibility criteria in law are
 418 entitled to their proportionate share of categorical program
 419 funds included in the total funds available in the Florida
 420 Education Finance Program. The Florida College System
 421 institution or state university sponsoring the charter school
 422 shall be the fiscal agent for these funds, and all rules of the
 423 institution governing the budgeting and expenditure of state
 424 funds shall apply to these funds unless otherwise provided by
 425 law or rule of the State Board of Education.

426 (I) The nonvoted required local millage established
 427 pursuant to s. 1011.71(1) that would otherwise be required for
 428 the charter schools shall be allocated from state funds.

429 (II) An equivalent amount of funds for the operating
 430 discretionary millage authorized pursuant to s. 1011.71(1) shall
 431 be allocated to each charter school through a state-funded
 432 discretionary contribution established pursuant to s.
 433 1011.62(6).

434 (III) The comparable wage factor as provided in s.
 435 1011.62(2) shall be established as 1.000.

436 b. Total funding for each charter school shall be
 437 recalculated during the year to reflect the revised calculations
 438 under the Florida Education Finance Program by the state and the
 439 actual weighted full-time equivalent students reported by the
 440 charter school during the full-time equivalent student survey
 441 periods designated by the Commissioner of Education., ~~including~~
 442 ~~gross state and local funds, discretionary lottery funds, and~~
 443 ~~funds from each school district's current operating~~
 444 ~~discretionary millage levy, divided by total funded weighted~~
 445 ~~full-time equivalent students in the district, and multiplied by~~
 446 ~~the full-time equivalent membership of the charter school.~~

447 c. The Department of Education shall develop a tool that
 448 each state university or Florida College System institution
 449 sponsoring a charter school shall use for purposes of
 450 calculating the funding amount for each eligible charter school

451 student. ~~The total amount obtained from the calculation must be~~
452 ~~appropriated from state funds in the General Appropriations Act~~
453 ~~to the charter school.~~

454 d.b. Capital outlay funding for a charter school sponsored
455 by a state university or Florida College System institution
456 pursuant to paragraph (5) (a) is determined as follows: multiply
457 the maximum allowable nonvoted discretionary millage under s.
458 1011.71(2) by 96 percent of the current year's taxable value for
459 school purposes for the district in which the charter school is
460 located; divide the result by the total full-time equivalent
461 student membership; and multiply the result by the full-time
462 equivalent student membership of the charter school. The amount
463 obtained shall be the discretionary capital improvement funds
464 and shall be appropriated from state funds in pursuant to s.
465 1013.62 and the General Appropriations Act.

466 (c) Pursuant to 20 U.S.C. 8061 s. 10306, all charter
467 schools shall receive all federal funding for which the school
468 is otherwise eligible, including Title I funding, not later than
469 5 months after the charter school first opens and within 5
470 months after any subsequent expansion of enrollment. Unless
471 otherwise mutually agreed to by the charter school and its
472 sponsor, and consistent with state and federal rules and
473 regulations governing the use and disbursement of federal funds,
474 the sponsor shall reimburse the charter school on a monthly
475 basis for all invoices submitted by the charter school for

476 federal funds available to the sponsor for the benefit of the
 477 charter school, the charter school's students, and the charter
 478 school's students as public school students in the school
 479 district. Such federal funds include, but are not limited to,
 480 Title I, Title II, and Individuals with Disabilities Education
 481 Act (IDEA) funds. To receive timely reimbursement for an
 482 invoice, the charter school must submit the invoice to the
 483 sponsor at least 30 days before the monthly date of
 484 reimbursement set by the sponsor. In order to be reimbursed, any
 485 expenditures made by the charter school must comply with all
 486 applicable state rules and federal regulations, including, but
 487 not limited to, the applicable federal Office of Management and
 488 Budget Circulars; the federal Education Department General
 489 Administrative Regulations; and program-specific statutes,
 490 rules, and regulations. Such funds may not be made available to
 491 the charter school until a plan is submitted to the sponsor for
 492 approval of the use of the funds in accordance with applicable
 493 federal requirements. The sponsor has 30 days to review and
 494 approve any plan submitted pursuant to this paragraph.

495 (d) Charter schools shall be included by the Department of
 496 Education and the district school board in requests for federal
 497 stimulus funds in the same manner as district school board-
 498 operated public schools, including Title I and IDEA funds and
 499 shall be entitled to receive such funds. Charter schools are
 500 eligible to participate in federal competitive grants that are

501 available as part of the federal stimulus funds.

502 (e) Sponsors shall make timely and efficient payment and
503 reimbursement to charter schools, including processing paperwork
504 required to access special state and federal funding for which
505 they may be eligible, including the timely review and
506 reimbursement of federal grant funds. Payments of funds under
507 paragraph (b) shall be made monthly or twice a month, beginning
508 with the start of the sponsor's fiscal year. Each payment shall
509 be one-twelfth, or one twenty-fourth, as applicable, of the
510 total state and local funds described in paragraph (b) and
511 adjusted as set forth therein. For the first 2 years of a
512 charter school's operation, if a minimum of 75 percent of the
513 projected enrollment is entered into the sponsor's student
514 information system by the first day of the current month, the
515 sponsor shall distribute funds to the school for the months of
516 July through October based on the projected full-time equivalent
517 student membership of the charter school as submitted in the
518 approved application. If less than 75 percent of the projected
519 enrollment is entered into the sponsor's student information
520 system by the first day of the current month, the sponsor shall
521 base payments on the actual number of student enrollment entered
522 into the sponsor's student information system. Thereafter, the
523 results of full-time equivalent student membership surveys shall
524 be used in adjusting the amount of funds distributed monthly to
525 the charter school for the remainder of the fiscal year. The

526 | payments shall be issued no later than 10 working days after the
 527 | sponsor receives a distribution of state or federal funds or the
 528 | date the payment is due pursuant to this subsection. With
 529 | respect to federal grant funds submitted for reimbursement, the
 530 | sponsor shall have 60 calendar days from the date of the
 531 | submission to reimburse the charter school if the submission
 532 | provides all the necessary information to qualify for
 533 | reimbursement. If a warrant for payment is not issued within 10
 534 | working days after receipt of funding by the sponsor or within
 535 | 60 calendar days after an approved submittal for reimbursement
 536 | of federal grant funds, the sponsor shall pay to the charter
 537 | school, in addition to the amount of the scheduled disbursement,
 538 | interest at a rate of 1 percent per month calculated on a daily
 539 | basis on the unpaid balance from the expiration of the 10
 540 | working days or 60 calendar days for the reimbursement of
 541 | federal grant funds, until such time as the warrant is issued.
 542 | The district school board may not delay payment to a charter
 543 | school of any portion of the funds provided in paragraph (b)
 544 | based on the timing of receipt of local funds by the district
 545 | school board.

546 | (f) Funding for a virtual charter school shall be as
 547 | provided in s. 1002.45(6).

548 | (g) To be eligible for public education capital outlay
 549 | (PECO) funds, a charter school must be located in the State of
 550 | Florida.

551 ~~(h) A charter school that implements a schoolwide standard~~
 552 ~~student attire policy pursuant to s. 1011.78 is eligible to~~
 553 ~~receive incentive payments.~~

554 (19) CAPITAL OUTLAY FUNDING.—Charter schools sponsored by
 555 a school district are eligible for capital outlay funds pursuant
 556 to ss. 1011.71(2) and 1013.62. Capital outlay funds authorized
 557 in ss. 1011.71(2) and 1013.62 which have been shared with a
 558 charter school-in-the-workplace prior to July 1, 2010, are
 559 deemed to have met the authorized expenditure requirements for
 560 such funds.

561 Section 4. Paragraph (a) of subsection (4), paragraph (a)
 562 of subsection (10), and paragraph (a) of subsection (12) of
 563 section 1002.394, Florida Statutes, are amended to read:

564 1002.394 The Family Empowerment Scholarship Program.—

565 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

566 (a) Program funds awarded to a student determined eligible
 567 pursuant to paragraph (3) (a) may be used for:

- 568 1. Tuition and fees at an eligible private school.
- 569 ~~2. Transportation to a Florida public school in which a~~
 570 ~~student is enrolled and that is different from the school to~~
 571 ~~which the student was assigned or to a lab school as defined in~~
 572 ~~s. 1002.32.~~

573 ~~2.3.~~ Instructional materials, including digital materials
 574 and Internet resources.

575 ~~3.4.~~ Curriculum as defined in subsection (2).

576 ~~4.5.~~ Tuition and fees associated with full-time or part-
 577 time enrollment in an eligible postsecondary educational
 578 institution or a program offered by the postsecondary
 579 educational institution, unless the program is subject to s.
 580 1009.25 or reimbursed pursuant to s. 1009.30; an approved
 581 preapprenticeship program as defined in s. 446.021(5) which is
 582 not subject to s. 1009.25 and complies with all applicable
 583 requirements of the department pursuant to chapter 1005; a
 584 private tutoring program authorized under s. 1002.43; a virtual
 585 program offered by a department-approved private online provider
 586 that meets the provider qualifications specified in s.
 587 1002.45(2)(a); the Florida Virtual School as a private paying
 588 student; or an approved online course offered pursuant to s.
 589 1003.499 or s. 1004.0961.

590 ~~5.6.~~ Fees for nationally standardized, norm-referenced
 591 achievement tests, Advanced Placement Examinations, industry
 592 certification examinations, assessments related to postsecondary
 593 education, or other assessments.

594 ~~6.7.~~ Contracted services provided by a public school or
 595 school district, including classes. A student who receives
 596 contracted services under this subparagraph is not considered
 597 enrolled in a public school for eligibility purposes as
 598 specified in subsection (6) but rather attending a public school
 599 on a part-time basis as authorized under s. 1002.44.

600 ~~7.8.~~ Tuition and fees for part-time tutoring services or

601 fees for services provided by a choice navigator. Such services
 602 must be provided by a person who holds a valid Florida
 603 educator's certificate pursuant to s. 1012.56, a person who
 604 holds an adjunct teaching certificate pursuant to s. 1012.57, a
 605 person who has a bachelor's degree or a graduate degree in the
 606 subject area in which instruction is given, a person who has
 607 demonstrated a mastery of subject area knowledge pursuant to s.
 608 1012.56(5), or a person certified by a nationally or
 609 internationally recognized research-based training program as
 610 approved by the department. As used in this subparagraph, the
 611 term "part-time tutoring services" does not qualify as regular
 612 school attendance as defined in s. 1003.01(16)(e).

613 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 614 PARTICIPATION.—

615 (a) A parent who applies for program participation under
 616 paragraph (3)(a) whose student will be enrolled full time in a
 617 private school must:

618 1. Select the private school and apply for the admission
 619 of his or her student.

620 2. Request the scholarship by a date established by the
 621 organization, in a manner that creates a written or electronic
 622 record of the request and the date of receipt of the request.

623 3. Inform the applicable school district when the parent
 624 withdraws his or her student from a public school to attend an
 625 eligible private school.

626 4. Require his or her student participating in the program
 627 to remain in attendance throughout the school year unless
 628 excused by the school for illness or other good cause.

629 5. Meet with the private school's principal or the
 630 principal's designee to review the school's academic programs
 631 and policies, specialized services, code of student conduct, and
 632 attendance policies before enrollment.

633 6. Require that the student participating in the
 634 scholarship program takes the norm-referenced assessment offered
 635 by the private school. The parent may also choose to have the
 636 student participate in the statewide assessments pursuant to
 637 paragraph (7) (d). If the parent requests that the student
 638 participating in the program take all statewide assessments
 639 required pursuant to s. 1008.22, the parent is responsible for
 640 transporting the student to the assessment site designated by
 641 the school district.

642 7. Approve each payment before the scholarship funds may
 643 be deposited by funds transfer pursuant to subparagraph
 644 (12) (a) 3. ~~(12) (a) 4.~~ The parent may not designate any entity or
 645 individual associated with the participating private school as
 646 the parent's attorney in fact to approve a funds transfer. A
 647 participant who fails to comply with this paragraph forfeits the
 648 scholarship.

649 8. Agree to have the organization commit scholarship funds
 650 on behalf of his or her student for tuition and fees for which

651 the parent is responsible for payment at the private school
 652 before using empowerment account funds for additional authorized
 653 uses under paragraph (4) (a). A parent is responsible for all
 654 eligible expenses in excess of the amount of the scholarship.

655 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

656 (a)1. Scholarships for students determined eligible
 657 pursuant to paragraph (3) (a) may be funded once all scholarships
 658 have been funded in accordance with s. 1002.395(6) (1)2. The
 659 calculated scholarship amount for a participating student
 660 determined eligible pursuant to paragraph (3) (a) shall be based
 661 upon the grade level and school district in which the student
 662 was assigned as 100 percent of the funds per unweighted full-
 663 time equivalent in the Florida Education Finance Program for a
 664 student in the basic program established pursuant to s.
 665 1011.62(1) (c)1., plus a per-full-time equivalent share of funds
 666 for the categorical programs established in s. 1011.62(5),
 667 (7) (a), and (16), as funded in the General Appropriations Act.

668 ~~2. A scholarship of \$750 or an amount equal to the school~~
 669 ~~district expenditure per student riding a school bus, as~~
 670 ~~determined by the department, whichever is greater, may be~~
 671 ~~awarded to an eligible student who is enrolled in a Florida~~
 672 ~~public school that is different from the school to which the~~
 673 ~~student was assigned or in a lab school as defined in s. 1002.32~~
 674 ~~if the school district does not provide the student with~~
 675 ~~transportation to the school.~~

676 ~~2.3.~~ The organization must provide the department with the
677 documentation necessary to verify the student's participation.
678 Upon receiving the documentation, the department shall transfer,
679 beginning August 1, from state funds only, the amount calculated
680 pursuant to subparagraph 1. 2. to the organization for quarterly
681 disbursement to parents of participating students each school
682 year in which the scholarship is in force. For a student exiting
683 a Department of Juvenile Justice commitment program who chooses
684 to participate in the scholarship program, the amount of the
685 Family Empowerment Scholarship calculated pursuant to
686 subparagraph 1. 2. must be transferred from the school district
687 in which the student last attended a public school before
688 commitment to the Department of Juvenile Justice. When a student
689 enters the scholarship program, the organization must receive
690 all documentation required for the student's participation,
691 including the private school's and the student's fee schedules,
692 at least 30 days before the first quarterly scholarship payment
693 is made for the student.

694 ~~3.4.~~ The initial payment shall be made after the
695 organization's verification of admission acceptance, and
696 subsequent payments shall be made upon verification of continued
697 enrollment and attendance at the private school. Payment must be
698 by funds transfer or any other means of payment that the
699 department deems to be commercially viable or cost-effective. An
700 organization shall ensure that the parent has approved a funds

701 transfer before any scholarship funds are deposited.

702 ~~4.5.~~ An organization may not transfer any funds to an
 703 account of a student determined eligible pursuant to paragraph
 704 (3) (a) which has a balance in excess of \$24,000.

705 Section 5. Paragraph (b) of subsection (2), paragraph (d)
 706 of subsection (6), and paragraph (a) of subsection (11) of
 707 section 1002.395, Florida Statutes, are amended to read:

708 1002.395 Florida Tax Credit Scholarship Program.—

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

710 (b) "Choice navigator" means an individual who meets the
 711 requirements of sub-subparagraph (6) (d) 2.g. ~~(6) (d) 2.h.~~ and who
 712 provides consultations, at a mutually agreed upon location, on
 713 the selection of, application for, and enrollment in educational
 714 options addressing the academic needs of a student; curriculum
 715 selection; and advice on career and postsecondary education
 716 opportunities. However, nothing in this section authorizes a
 717 choice navigator to oversee or exercise control over the
 718 curricula or academic programs of a personalized education
 719 program.

720 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 721 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 722 organization:

723 (d)1. For the 2023-2024 school year, may fund no more than
 724 20,000 scholarships for students who are enrolled pursuant to
 725 paragraph (7) (b). The number of scholarships funded for such

726 students may increase by 40,000 in each subsequent school year.
 727 This subparagraph is repealed July 1, 2027.

728 2. Must establish and maintain separate empowerment
 729 accounts from eligible contributions for each eligible student.
 730 For each account, the organization must maintain a record of
 731 accrued interest retained in the student's account. The
 732 organization must verify that scholarship funds are used for:

733 a. Tuition and fees for full-time or part-time enrollment
 734 in an eligible private school.

735 ~~b. Transportation to a Florida public school in which a~~
 736 ~~student is enrolled and that is different from the school to~~
 737 ~~which the student was assigned or to a lab school as defined in~~
 738 ~~s. 1002.32.~~

739 b.e. Instructional materials, including digital materials
 740 and Internet resources.

741 c.d. Curriculum as defined in s. 1002.394(2).

742 d.e. Tuition and fees associated with full-time or part-
 743 time enrollment in a home education instructional program; an
 744 eligible postsecondary educational institution or a program
 745 offered by the postsecondary educational institution, unless the
 746 program is subject to s. 1009.25 or reimbursed pursuant to s.
 747 1009.30; an approved preapprenticeship program as defined in s.
 748 446.021(5) which is not subject to s. 1009.25 and complies with
 749 all applicable requirements of the Department of Education
 750 pursuant to chapter 1005; a private tutoring program authorized

751 | under s. 1002.43; a virtual program offered by a department-
 752 | approved private online provider that meets the provider
 753 | qualifications specified in s. 1002.45(2)(a); the Florida
 754 | Virtual School as a private paying student; or an approved
 755 | online course offered pursuant to s. 1003.499 or s. 1004.0961.

756 | e.f. Fees for nationally standardized, norm-referenced
 757 | achievement tests, Advanced Placement Examinations, industry
 758 | certification examinations, assessments related to postsecondary
 759 | education, or other assessments.

760 | f.g. Contracted services provided by a public school or
 761 | school district, including classes. A student who receives
 762 | contracted services under this sub-subparagraph is not
 763 | considered enrolled in a public school for eligibility purposes
 764 | as specified in subsection (11) but rather attending a public
 765 | school on a part-time basis as authorized under s. 1002.44.

766 | g.h. Tuition and fees for part-time tutoring services or
 767 | fees for services provided by a choice navigator. Such services
 768 | must be provided by a person who holds a valid Florida
 769 | educator's certificate pursuant to s. 1012.56, a person who
 770 | holds an adjunct teaching certificate pursuant to s. 1012.57, a
 771 | person who has a bachelor's degree or a graduate degree in the
 772 | subject area in which instruction is given, a person who has
 773 | demonstrated a mastery of subject area knowledge pursuant to s.
 774 | 1012.56(5), or a person certified by a nationally or
 775 | internationally recognized research-based training program as

776 approved by the Department of Education. As used in this
 777 paragraph, the term "part-time tutoring services" does not
 778 qualify as regular school attendance as defined in s.
 779 1003.01(16)(e).

780

781 Information and documentation provided to the Department of
 782 Education and the Auditor General relating to the identity of a
 783 taxpayer that provides an eligible contribution under this
 784 section shall remain confidential at all times in accordance
 785 with s. 213.053.

786 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

787 (a) The scholarship amount provided to any student for any
 788 single school year by an eligible nonprofit scholarship-funding
 789 organization from eligible contributions shall be for total
 790 costs authorized under paragraph (6)(d), not to exceed annual
 791 limits, which shall be determined as follows:

792 1. For a student who received a scholarship in the 2018-
 793 2019 school year, who remains eligible, and who is enrolled in
 794 an eligible private school, the amount shall be the greater
 795 amount calculated pursuant to subparagraph 2. or a percentage of
 796 the unweighted FTE funding amount for the 2018-2019 state fiscal
 797 year and thereafter as follows:

798 a. Eighty-eight percent for a student enrolled in
 799 kindergarten through grade 5.

800 b. Ninety-two percent for a student enrolled in grade 6

801 through grade 8.

802 c. Ninety-six percent for a student enrolled in grade 9
803 through grade 12.

804 2. For students initially eligible in the 2019-2020 school
805 year or thereafter, the calculated amount for a student to
806 attend an eligible private school shall be calculated in
807 accordance with s. 1002.394(12) (a).

808 ~~3. The scholarship amount awarded to a student enrolled in~~
809 ~~a Florida public school that is different from the school to~~
810 ~~which the student was assigned, or in a lab school as defined in~~
811 ~~s. 1002.32, must be an amount equal to the school district~~
812 ~~expenditure per student riding a school bus, as determined by~~
813 ~~the department, or \$750, whichever is greater.~~

814 Section 6. Paragraphs (a) and (f) of subsection (4),
815 subsection (5), and paragraph (e) of subsection (6) of section
816 1002.68, Florida Statutes, are amended to read:

817 1002.68 Voluntary Prekindergarten Education Program
818 accountability.—

819 (4) (a) Beginning with the 2023-2024 ~~2022-2023~~ program
820 year, the department shall adopt a methodology for calculating
821 each private prekindergarten provider's and public school
822 provider's performance metric, which must be based on a
823 combination of the following:

824 1. Program assessment composite scores under subsection
825 (2), which must be weighted at no less than 50 percent.

826 2. Learning gains operationalized as change-in-ability
827 scores from the initial and final progress monitoring results
828 described in subsection (1).

829 3. Norm-referenced developmental learning outcomes
830 described in subsection (1).

831 (f) The department shall adopt procedures to annually
832 calculate each private prekindergarten provider's and public
833 school's performance metric, based on the methodology adopted in
834 paragraphs (a) and (b), and assign a designation under paragraph
835 (d). Beginning with the 2024-2025 ~~2023-2024~~ program year, each
836 private prekindergarten provider or public school shall be
837 assigned a designation within 45 days after the conclusion of
838 the school-year Voluntary Prekindergarten Education Program
839 delivered by all participating private prekindergarten providers
840 or public schools and within 45 days after the conclusion of the
841 summer Voluntary Prekindergarten Education Program delivered by
842 all participating private prekindergarten providers or public
843 schools.

844 ~~(5) (a) If a public school's or private prekindergarten~~
845 ~~provider's program assessment composite score for its~~
846 ~~prekindergarten classrooms fails to meet the minimum program~~
847 ~~assessment composite score for contracting adopted in rule by~~
848 ~~the department, the private prekindergarten provider or public~~
849 ~~school may not participate in the Voluntary Prekindergarten~~
850 ~~Education Program beginning in the consecutive program year and~~

851 ~~thereafter until the public school or private prekindergarten~~
852 ~~provider meets the minimum composite score for contracting. A~~
853 ~~public school or private prekindergarten provider may request~~
854 ~~one program assessment per program year in order to requalify~~
855 ~~for participation in the Voluntary Prekindergarten Education~~
856 ~~Program, provided that the public school or private~~
857 ~~prekindergarten provider is not excluded from participation~~
858 ~~under ss. 1002.55(6), 1002.61(10)(b), 1002.63(9)(b), or~~
859 ~~paragraph (5)(b) of this section. If a public school or private~~
860 ~~prekindergarten provider would like an additional program~~
861 ~~assessment completed within the same program year, the public~~
862 ~~school or private prekindergarten provider shall be responsible~~
863 ~~for the cost of the program assessment.~~

864 (5)(a) ~~(b)~~ If a private prekindergarten provider's or
865 public school's performance metric or designation falls below
866 the minimum performance metric or designation, the early
867 learning coalition shall:

868 1. Require the provider or school to submit for approval
869 to the early learning coalition an improvement plan and
870 implement the plan.

871 2. Place the provider or school on probation.

872 3. Require the provider or school to take certain
873 corrective actions, including the use of a curriculum approved
874 by the department under s. 1002.67(2)(c) and a staff development
875 plan approved by the department to strengthen instructional

876 | practices in emotional support, classroom organization,
 877 | instructional support, language development, phonological
 878 | awareness, alphabet knowledge, and mathematical thinking.

879 | (b)~~(e)~~ A private prekindergarten provider or public school
 880 | that is placed on probation must continue the corrective actions
 881 | required under paragraph (a) ~~(b)~~ until the provider or school
 882 | meets the minimum performance metric or designation adopted by
 883 | the department. Failure to meet the requirements of
 884 | subparagraphs (a)1. ~~(b)1.~~ and 3. shall result in the termination
 885 | of the provider's or school's contract to deliver the Voluntary
 886 | Prekindergarten Education Program for a period of at least 2
 887 | years but no more than 5 years.

888 | (c)~~(d)~~ If a private prekindergarten provider or public
 889 | school remains on probation for 2 consecutive years and fails to
 890 | meet the minimum performance metric or designation, or is not
 891 | granted a good cause exemption by the department, the department
 892 | shall require the early learning coalition to revoke the
 893 | provider's eligibility and the school district to revoke the
 894 | school's eligibility to deliver the Voluntary Prekindergarten
 895 | Education Program and receive state funds for the program for a
 896 | period of at least 2 years but no more than 5 years.

897 | (6)

898 | (e) A private prekindergarten provider or public school
 899 | granted a good cause exemption shall continue to implement its
 900 | improvement plan and continue the corrective actions required

901 under paragraph (5) (a) ~~(5) (b)~~ until the provider or school meets
 902 the minimum performance metric.

903 Section 7. Subsection (3) of section 1006.27, Florida
 904 Statutes, is amended to read:

905 1006.27 Pooling of school buses and other vehicles and
 906 related purchases by district school boards; transportation
 907 services contracts.—

908 ~~(3) The Driving Choice Grant Program is created within the~~
 909 ~~department to improve access to reliable and safe transportation~~
 910 ~~for students participating in public educational school choices~~
 911 ~~pursuant to s. 1002.20 (6) (a) and to support innovative solutions~~
 912 ~~that increase the efficiency of public school transportation.~~

913 ~~(a) Grant proposals may include:~~

914 1. ~~Transportation resource planning and sharing among~~
 915 ~~school districts and local governments.~~

916 2. ~~Developing or contracting with rideshare programs or~~
 917 ~~developing carpool strategies.~~

918 3. ~~Developing options to reduce costs and increase~~
 919 ~~efficiencies while improving access to transportation options~~
 920 ~~for families.~~

921 4. ~~Developing options to address personnel challenges.~~

922 5. ~~Expanding the use of transportation funds under ss.~~
 923 ~~1002.394, 1002.395, and 1011.68 to help cover the cost of~~
 924 ~~transporting students to and from school.~~

925 ~~(b) The department shall publish on its website, by~~

926 ~~December 31, 2023, an interim report and by December 31, 2024, a~~
 927 ~~final report that includes:~~

928 ~~1. The best practices used by grant recipients to increase~~
 929 ~~transportation options for students, including any~~
 930 ~~transportation barriers addressed by grant recipients.~~

931 ~~2. The number of students served by grant recipients,~~
 932 ~~including the number of students transported to a school that is~~
 933 ~~different from the school to which the student is assigned.~~

934 Section 8. Paragraph (b) of subsection (5) of section
 935 1008.25, Florida Statutes, is amended to read:

936 1008.25 Public school student progression; student
 937 support; coordinated screening and progress monitoring;
 938 reporting requirements.—

939 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

940 (b) A Voluntary Prekindergarten Education Program student
 941 who exhibits a substantial deficiency and scored below the 10th
 942 percentile on in early literacy skills based upon the results of
 943 the administration of the final coordinated screening and
 944 progress monitoring under subsection (9) shall be referred to
 945 the local school district and may be eligible to receive early
 946 literacy skill instructional support through a summer bridge
 947 program the summer instruction in early literacy skills before
 948 participating in kindergarten. The summer bridge program must
 949 meet requirements adopted by the department and shall consist of
 950 4 hours of instruction per day for a minimum of 100 total hours

951 ~~A student with an individual education plan who has been~~
 952 ~~retained pursuant to paragraph (2)(g) and has demonstrated a~~
 953 ~~substantial deficiency in early literacy skills must receive~~
 954 ~~instruction in early literacy skills.~~

955 Section 9. Paragraph (a) of subsection (4), subsection
 956 (6), and paragraph (a) of subsection (7) of section 1011.62,
 957 Florida Statutes, are amended to read:

958 1011.62 Funds for operation of schools.—If the annual
 959 allocation from the Florida Education Finance Program to each
 960 district for operation of schools is not determined in the
 961 annual appropriations act or the substantive bill implementing
 962 the annual appropriations act, it shall be determined as
 963 follows:

964 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The
 965 Legislature shall prescribe the aggregate required local effort
 966 for all school districts collectively as an item in the General
 967 Appropriations Act for each fiscal year. The amount that each
 968 district shall provide annually toward the cost of the Florida
 969 Education Finance Program for kindergarten through grade 12
 970 programs shall be calculated as follows:

971 (a) Estimated taxable value calculations.—

972 1.a. Not later than 2 working days before July 19, the
 973 Department of Revenue shall certify to the Commissioner of
 974 Education its most recent estimate of the taxable value for
 975 school purposes in each school district and the total for all

976 school districts in the state for the current calendar year
 977 based on the latest available data obtained from the local
 978 property appraisers. The value certified shall be the taxable
 979 value for school purposes for that year, and no further
 980 adjustments shall be made, except those made pursuant to
 981 paragraphs (c) and (d), or an assessment roll change required by
 982 final judicial decisions as specified in paragraph (15)(b). Not
 983 later than July 19, the Commissioner of Education shall compute
 984 a millage rate, rounded to the next highest one one-thousandth
 985 of a mill, which, when applied to 96 percent of the estimated
 986 state total taxable value for school purposes, would generate
 987 the prescribed aggregate required local effort for that year for
 988 all districts. The Commissioner of Education shall certify to
 989 each district school board the millage rate, computed as
 990 prescribed in this subparagraph, as the minimum millage rate
 991 necessary to provide the district required local effort for that
 992 year.

993 b. The General Appropriations Act shall direct the
 994 computation of the statewide adjusted aggregate amount for
 995 required local effort for all school districts collectively from
 996 ad valorem taxes to ensure that no school district's revenue
 997 from required local effort millage will produce more than 85 ~~90~~
 998 percent of the district's total Florida Education Finance
 999 Program calculation as calculated and adopted by the
 1000 Legislature, and the adjustment of the required local effort

1001 millage rate of each district that produces more than 85 ~~90~~
 1002 percent of its total Florida Education Finance Program
 1003 entitlement to a level that will produce only 85 ~~90~~ percent of
 1004 its total Florida Education Finance Program entitlement in the
 1005 July calculation.

1006 2. On the same date as the certification in sub-
 1007 subparagraph 1.a., the Department of Revenue shall certify to
 1008 the Commissioner of Education for each district:

1009 a. Each year for which the property appraiser has
 1010 certified the taxable value pursuant to s. 193.122(2) or (3), if
 1011 applicable, since the prior certification under sub-subparagraph
 1012 1.a.

1013 b. For each year identified in sub-subparagraph a., the
 1014 taxable value certified by the appraiser pursuant to s.
 1015 193.122(2) or (3), if applicable, since the prior certification
 1016 under sub-subparagraph 1.a. This is the certification that
 1017 reflects all final administrative actions of the value
 1018 adjustment board.

1019 (6) STATE-FUNDED DISCRETIONARY CONTRIBUTION.—The state-
 1020 funded discretionary contribution is created to fund the
 1021 nonvoted discretionary millage for operations pursuant to s.
 1022 1011.71(1) and (3) for developmental research schools (lab
 1023 schools) established in s. 1002.32, and the Florida Virtual
 1024 School established in s. 1002.37, and charter schools sponsored
 1025 by a Florida College System institution or a state university

1026 | pursuant to s. 1002.33(5).

1027 | (a) To calculate the state-funded discretionary
 1028 | contribution for lab schools, multiply the maximum allowable
 1029 | nonvoted discretionary millage for operations pursuant to s.
 1030 | 1011.71(1) and (3) by the value of 96 percent of the current
 1031 | year's taxable value for school purposes for the school district
 1032 | in which the lab school is located; divide the result by the
 1033 | total full-time equivalent membership of the school district;
 1034 | and multiply the result by the full-time equivalent membership
 1035 | of the lab school. The amount obtained shall be appropriated in
 1036 | the General Appropriations Act to the Lab School Trust Fund
 1037 | established pursuant to s. 1002.32(9).

1038 | (b) To calculate the state-funded discretionary
 1039 | contribution for the Florida Virtual School and for charter
 1040 | schools sponsored by a Florida College System institution or a
 1041 | state university pursuant to s. 1002.33(5), multiply the maximum
 1042 | allowable nonvoted discretionary millage for operations pursuant
 1043 | to s. 1011.71(1) and (3) by the value of 96 percent of the
 1044 | current year's taxable value for school purposes for the state;
 1045 | divide the result by the total full-time equivalent membership
 1046 | of the state; and multiply the result by the full-time
 1047 | equivalent membership of the Florida Virtual School.

1048 | (7) EDUCATIONAL ENRICHMENT ALLOCATION.—

1049 | (a) 1. The educational enrichment allocation is created to
 1050 | assist school districts in providing educational enrichment

1051 activities and services that support and increase the academic
 1052 achievement of students in grades kindergarten through 12.
 1053 Educational enrichment activities and services may be provided
 1054 in a manner and at any time during or beyond the regular 180-day
 1055 term identified by the school district as being the most
 1056 effective and efficient way to best help the student progress
 1057 from grade to grade and graduate from high school. For fiscal
 1058 year 2023-2024, the educational enrichment allocation shall
 1059 consist of a base amount as specified in the General
 1060 Appropriations Act. Beginning in fiscal year 2024-2025, the
 1061 educational enrichment allocation shall consist of the base
 1062 amount that includes a workload adjustment based on changes in
 1063 the unweighted full-time equivalent membership.

1064 2. The base amount of each school district's educational
 1065 enrichment allocation shall be the greater of either the school
 1066 district's educational enrichment allocation base per eligible
 1067 full-time equivalent student or the educational enrichment
 1068 allocation factor as specified in the General Appropriations
 1069 Act, unless the school district's total Florida Education
 1070 Finance Program funds per unweighted full-time equivalent
 1071 student is greater than the statewide total Florida Education
 1072 Finance Program funds per unweighted full-time equivalent
 1073 student.

1074 Section 10. Subsection (1) of section 1011.765, Florida
 1075 Statutes, is amended to read:

1076 | 1011.765 Florida Academic Improvement Trust Fund matching
 1077 | grants.—
 1078 | (1) MATCHING GRANTS.—The Florida Academic Improvement
 1079 | Trust Fund shall be utilized to provide matching grants to the
 1080 | Florida School for the Deaf and the Blind Endowment Fund and to
 1081 | any public school district education foundation that meets the
 1082 | requirements of this section. For purposes of this section, a
 1083 | public school district education foundation includes each
 1084 | district school board direct-support organization established
 1085 | pursuant to s. 1001.453 and the education foundation established
 1086 | by the Florida Virtual School established pursuant to s. 1002.37
 1087 | ~~and is recognized by the local school district as its designated~~
 1088 | ~~K-12 education foundation.~~ Donations, state matching funds, or
 1089 | proceeds from endowments established pursuant to this section
 1090 | shall be used at the discretion of the public school district
 1091 | education foundation or the Florida School for the Deaf and the
 1092 | Blind for academic achievement within the school district or
 1093 | school, and shall not be expended for the construction of
 1094 | facilities or for the support of interscholastic athletics. No
 1095 | public school district education foundation or the Florida
 1096 | School for the Deaf and the Blind shall accept or purchase
 1097 | facilities for which the state will be asked for operating funds
 1098 | unless the Legislature has granted prior approval for such
 1099 | acquisition.
 1100 | Section 11. Paragraph (b) of subsection (1) of section

1101 1013.62, Florida Statutes, is amended to read:

1102 1013.62 Charter schools capital outlay funding.—

1103 (1) Charter school capital outlay funding shall consist of
 1104 state funds when such funds are appropriated in the General
 1105 Appropriations Act and revenue resulting from the discretionary
 1106 millage authorized in s. 1011.71(2).

1107 (b) A charter school is not eligible to receive capital
 1108 outlay funds if:

1109 1. It was created by the conversion of a public school and
 1110 operates in facilities provided by the charter school's sponsor
 1111 for a nominal fee, or at no charge, or if it is directly or
 1112 indirectly operated by the school district;

1113 2. It is a developmental research (laboratory) school that
 1114 receives state funding for capital improvement purposes pursuant
 1115 to s. 1002.32(9)(c); ~~s. 1002.32(9)(e)~~; or

1116 3. A member of the governing board, or his or her family
 1117 member as defined in s. 440.13(1)(b), has an interest in or is
 1118 an employee of the lessor, excluding charter schools operating
 1119 pursuant to s. 1002.33(15); or

1120 4. It is a Florida College System institution or state
 1121 university sponsored charter school that receives state funding
 1122 for capital improvement purposes pursuant to s.
 1123 1002.33(17)(b)2.d.

1124 Section 12. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 553 Career-themed Courses

SPONSOR(S): Dunkley

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1688

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	16 Y, 0 N	Collins	Sleap
2) PreK-12 Appropriations Subcommittee		Bailey	Potvin
3) Education & Employment Committee			

SUMMARY ANALYSIS

To provide awareness of the career academies and career themed courses available to students, the bill requires districts to inform students and parents during course selection for middle school of the career and professional academy or career-themed course available within the district.

The bill requires the school district's Career and Professional Education Act strategic 3-year plan to include strategies to inform and promote the career and technical education (CTE) opportunities available in the district to students, parents, the community, and stakeholders.

The Department of Education (DOE) is required to include data collected on student achievement and performance in industry-certified career education programs and career-themed courses in the Commissioner of Education's annual CTE program review.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Career and Professional Education (CAPE) Act

The Career and Professional Education (CAPE) Act was created to provide a statewide planning partnership between the business and education communities to attract, expand and retain targeted, high-value industry to sustain a strong, knowledge-based economy.¹ The primary purpose of the CAPE Act is to:²

- improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- support local and regional economic development;
- respond to Florida's critical workforce needs; and
- provide state residents with access to high-wage and high-demand careers.

Middle Grades Career and Professional Academy Courses and Career-Themed Courses

In accordance with the CAPE Act, each school district must plan and implement at least one middle school CAPE academy or career-themed course.³

A career and professional academy is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the local workforce development board or the Florida Department of Commerce.⁴

A career-themed course is a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certification Funding List adopted by the State Board of Education.⁵

Middle school academies and career-themed courses must:⁶

- be aligned with at least one high school CAPE academy or career-themed course offered in the district and maintain partnerships with local business and industry and economic development boards;
- lead to careers in occupations aligned to the approved Cape Industry Certification Funding List;
- integrate content from core subjects;
- integrate career and professional academy or career-themed course content with intensive reading, English Language Arts, and mathematics;

¹ Section 1003.491, F.S.

² Section 1003.491(1), F.S.

³ Section 1003.4935(1), F.S.

⁴ Section 1003.493(1)(a), F.S.; Ch. 2023-173, Laws of Fla, renamed the Department of Economic Opportunity as the Department of Commerce.

⁵ Section 1003.493(1)(b), F.S. and Rule 6A-6.0571. *See also*, Florida Department of Education, *CAPE Industry Certification Funding List*, <https://www.fldoe.org/academics/career-adult-edu/cape-secondary/cape-industry-cert-funding-list-current.stml> (last visited Jan. 11, 2023).

⁶ Section 1003.4935, F.S.

- coordinate with high schools to maximize opportunities for middle grades students to earn high school credit;
- provide access to virtual instruction courses;
- provide instruction from highly skilled professionals certified in the career subject matter;
- offer externships; and
- provide personalized student advisement that includes a parent-participation component.

Strategic Plan

To comply with the CAPE Act, school boards are required to develop a strategic plan in partnership with local workforce boards, economic development agencies, and state-approved postsecondary institutions to better align academy programs with local workforce needs. Two or more school districts may collaborate in the development of the strategic plan and jointly offer an academy or career-themed courses.⁷

The strategic 3-year plan must, among other factors, be constructed and based on:⁸

- research conducted to objectively determine local and regional workforce needs for the ensuing 3 years, using labor projections as identified by the Department of Commerce and the Labor Market Estimating Conference as factors in the criteria for the plan;
- strategies to develop and implement career academies or career-themed courses based on occupations identified by the Department of Commerce and the Labor Market Estimating Conference;
- strategies to develop and implement career academies and career-themed courses that provide personalized student advisement, including a parent-participation component, and coordination with middle grades to promote and support career-themed courses and education planning;
- alignment of requirements for middle school career planning, middle and high school career and professional academies or career-themed courses leading to industry certification or postsecondary credit, and high school graduation requirements;
- strategies to provide professional development for secondary certified school counselors on the benefits of career and professional academies and career-themed courses that lead to industry certification;
- plans to sustain and improve career-themed courses and career and professional academies; and,
- strategies to ensure instruction by industry-certified faculty and standards and strategies to maintain current industry credentials and for recruiting and retaining faculty to meet those standards.

The strategic plan must be reviewed, updated, and jointly approved every three years.⁹

Career and Technical Education (CTE) Review

Current law requires the Commissioner of Education (commissioner) to annually conduct a review of K-12 and postsecondary CTE programs that, at a minimum, must examine:¹⁰

- Alignment of offerings with the framework of quality established by the Credentials Review Committee.¹¹

⁷ Section 1003.491(2), F.S.

⁸ Section 1003.491(3), F.S.

⁹ Section 1003.491(2), F.S.

¹⁰ Section 1003.491(5)(a), F.S.

¹¹ Section 445.004(4)(h), F.S. The Credentials Review Committee serves to centralize identification and designation of non-degree and degree credentials of value for inclusion on the Master Credentials List. Credentials must include registered apprenticeship programs, industry certification, licenses, advanced technical certificates, college credit certificates, career certificates, applied

- Alignment of offerings at the K-12 and postsecondary levels with credentials or degree programs identified on the state’s Master Credentials List.
- Program utilization and unwarranted duplication across institutions serving the same students in a geographical or service area.
- Institutional performance measured by student outcomes.

Using the findings from the CTE review,¹² the commissioner is required to phase out CTE offerings which are not aligned with the framework of quality established by the Credentials Review Committee, do not meet labor market demand or institutional performance, or are unwarranted program duplications.¹³

In addition to the CTE review, the DOE is required to collect student achievement and performance data in industry-certified career education programs and career-themed courses that includes, but need not be limited to:

- graduation rates;
- retention rates;
- Florida Bright Futures Scholarship awards;
- additional educational attainment;
- employment records;
- earnings;
- industry certification;
- return on investment; and
- employer satisfaction.¹⁴

Effect of Proposed Changes

To provide awareness of the career academies and career themed courses available to students, the bill requires districts to inform students and parents during course selection for middle school of the career and professional academy or career-themed course available within the district.

The bill requires the CAPE Act strategic 3-year plan a school district develops with stakeholders, to include strategies to inform and promote the CTE opportunities available in the district to students, parents, the community, and stakeholders.

The DOE is required to include data collected on student achievement and performance in industry-certified career education programs and career-themed courses in the commissioner’s annual CTE program review.

B. SECTION DIRECTORY:

Section 1: Amends s. 1003.491, F.S.; revising the requirements for a specified school district strategic plan to include certain information.

Section 2: Amends s. 1003.492, F.S.; requiring the DOE to include specified data in an annual review of K-12 and postsecondary career and technical education offerings.

technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees. *See also*, Florida Department of Education, *Master Credential List (2022-2023)*, available at <https://www.fldoe.org/core/fileparse.php/20129/urlt/13-3.pdf>.

¹² Florida Department of Education, *Career and Technical Education Audit*, <https://www.fldoe.org/careerpathways/index.stml#overview> (last visited Jan. 11, 2024).

¹³ Section 1003.491(5)(c), F.S.

¹⁴ Section 1003.492(3), F.S.

Section 3: Amends s. 1003.4935, F.S.; requiring school districts to provide specified information to students and parents during middle school course selection.

Section 4: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill does not appear to have a fiscal impact.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to career-themed courses; amending s.
3 1003.491, F.S.; revising the requirements for a
4 specified school district strategic plan to include
5 certain information; amending s. 1003.492, F.S.;
6 requiring the Department of Education to include
7 specified data in an annual review of K-12 and
8 postsecondary career and technical education
9 offerings; amending s. 1003.4935, F.S.; requiring
10 school districts to provide specified information to
11 students and parents during middle school course
12 selection; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraphs (p) and (q) of subsection (3) of
17 section 1003.491, Florida Statutes, are amended, and paragraph
18 (r) is added to subsection (3) of that section, to read:

19 1003.491 Florida Career and Professional Education Act.—
20 The Florida Career and Professional Education Act is created to
21 provide a statewide planning partnership between the business
22 and education communities in order to attract, expand, and
23 retain targeted, high-value industry and to sustain a strong,
24 knowledge-based economy.

25 (3) The strategic 3-year plan developed jointly by the

26 | local school district, local workforce development boards,
 27 | economic development agencies, and state-approved postsecondary
 28 | institutions must be constructed and based on:

29 | (p) Strategies to provide professional development for
 30 | secondary certified school counselors on the benefits of career
 31 | and professional academies and career-themed courses that lead
 32 | to industry certification; ~~and~~

33 | (q) Strategies to redirect appropriated career funding in
 34 | secondary and postsecondary institutions to support career
 35 | academies and career-themed courses that lead to industry
 36 | certification; and

37 | (r) Strategies to inform and promote the career and
 38 | technical education opportunities available in the district to
 39 | students, parents, the community, and stakeholders.

40 | Section 2. Subsection (3) of section 1003.492, Florida
 41 | Statutes, is amended to read:

42 | 1003.492 Industry-certified career education programs.—

43 | (3) The Department of Education shall collect student
 44 | achievement and performance data in industry-certified career
 45 | education programs and career-themed courses as part of the
 46 | annual review required under s. 1003.491 ~~that includes, but need~~
 47 | ~~not be limited to, graduation rates, retention rates, Florida~~
 48 | ~~Bright Futures Scholarship awards, additional educational~~
 49 | ~~attainment, employment records, earnings, industry~~
 50 | ~~certification, return on investment, and employer satisfaction.~~

51 Section 3. Subsection (1) of section 1003.4935, Florida
52 Statutes, is amended to read:

53 1003.4935 Middle grades career and professional academy
54 courses and career-themed courses.—

55 (1) ~~Beginning with the 2011-2012 school year,~~ Each
56 district school board, in collaboration with local workforce
57 development boards, economic development agencies, and state-
58 approved postsecondary institutions, shall include plans to
59 implement a career and professional academy or a career-themed
60 course, as defined in s. 1003.493(1)(b), in at least one middle
61 school in the district as part of the strategic 3-year plan
62 pursuant to s. 1003.491(2). The strategic plan must provide
63 students the opportunity to transfer from a middle school career
64 and professional academy or a career-themed course to a high
65 school career and professional academy or a career-themed course
66 currently operating within the school district. Students who
67 complete a middle school career and professional academy or a
68 career-themed course must have the opportunity to earn an
69 industry certificate and high school credit and participate in
70 career planning, job shadowing, and business leadership
71 development activities. The district must inform students and
72 parents during course selection for middle school of the career
73 and professional academy or career-themed course available
74 within the district.

75 Section 4. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 883 Short-acting Bronchodilator Use in Public and Private Schools

SPONSOR(S): Choice & Innovation Subcommittee, Koster

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 962

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	16 Y, 0 N, As CS	Dixon	Sleap
2) PreK-12 Appropriations Subcommittee		Bailey	Potvin
3) Health & Human Services Committee			

SUMMARY ANALYSIS

To provide access to life-saving interventions during a student's respiratory distress at a public or private school, the bill authorizes a public or private school to acquire and stock a supply of short-acting bronchodilators and components from a wholesale distributor or to enter into an arrangement with a wholesale distributor or manufacturer, for short-acting bronchodilators and components at fair-market, free, or reduced prices. The bill specifies the requirements for storing and maintaining the stock supply of short-acting bronchodilators and components.

The bill authorizes specified health care practitioners to prescribe short-acting bronchodilators and components in the name of a public school or private school. Additionally, the bill authorizes a licensed pharmacist to dispense short-acting bronchodilators and components to a prescription issued in the name of a public or private school.

Under the bill, a public or private school may also accept short-acting bronchodilators and components as a donation or transfer if the items meet the U.S. Food and Drug Administration regulations and are in a new, unexpired, manufactured-sealed condition.

The bill outlines criteria for individuals authorized to administer short-acting bronchodilators and components to students at public and private schools and requires schools to inform parents of the school's adopted protocol and obtain parental permission before administering short-acting bronchodilators to a student in respiratory distress emergencies.

The bill provides that school districts and private schools and their employees and agents are not liable for any injury arising from the use or non-use of a short-acting bronchodilator or components administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is experiencing a respiratory distress emergency. The bill also provides exceptions for liability.

Additionally, the bill provides immunity from civil liability to authorized healthcare practitioners who prescribe, or dispensing pharmacists who fill, a prescription for a short-acting bronchodilator and components for use by a public or private school for any act or omission to act related to the administration of a short-acting bronchodilator or components, except for an act of willful or wanton misconduct.

The bill may have an indeterminate fiscal impact on local government expenditures. See Fiscal Analysis.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Management of Childhood Asthma in Schools

Asthma is a chronic condition that involves inflammation of the airways. Individuals with asthma experience hyperresponsive airways, meaning their reactions to triggers such as colds, cigarette smoke, and exercise are faster and more intense than those with normal airways. This heightened reactivity leads to inflammation of the airway lining, tightening of surrounding muscles, airway narrowing, and increased production of mucus cells. These reactions reduce the airflow into the lungs, making breathing more challenging.¹

In Florida, approximately 1 in 8 adults and 1 in 9 children have asthma.² Nationally, asthma stands as one of the most common chronic childhood diseases, impacting the daily lives of millions of American children.³ As children with asthma attend school, their safety and the management of their condition becomes the shared responsibility of the family, their healthcare providers, and school personnel.⁴

While most schools are very cognizant of the seriousness of asthma, the distance from the classroom or playing field to the school health room can be perilously far for a child struggling to breathe.⁵ As approximately 10 percent of school children have asthma and spend a significant amount of time at school, having access to a rescue inhaler is important.⁶ Rescue inhalers, known as short-acting bronchodilators, are used for sudden, acute asthma symptoms and includes beta 2-agonists, which quickly open airways to stop asthma symptoms. Referred to as “reliever” or “rescue” medicines, they are the most effective for treating sudden, severe, or new asthma symptoms, working within 15 to 20 minutes and lasting for four to six hours.⁷

According to the American Lung Association, despite all 50 states and the District of Columbia having laws allowing students to carry and use asthma inhalers at school, it is still crucial for schools to move fast to save the life of a child during asthma emergencies. Situations may arise that can keep a child from getting the medications they need in a timely manner, such as forgetting an inhaler at home or facing financial constraints preventing the family from affording a second inhaler to keep at school.⁸

Given the unpredictable and potentially life-threatening nature of asthma exacerbations in children, timely access to rescue inhalers becomes a matter of life-saving significance. Addressing these concerns, in a 2021 policy statement on ensuring access to albuterol in schools, the American Thoracic

¹ Florida Health, *What is Asthma?*, <https://www.floridahealth.gov/diseases-and-conditions/asthma/what-is-asthma.html> (last visited Jan. 9, 2024).

² *Id.*

³ Asthma and Allergy Foundation of America, *Childhood Asthma*, <https://asthmaandallergies.org/asthma-allergies/childhood-asthma/> (last visited Jan. 8, 2024).

⁴ American Lung Association, *Improving Access to Asthma Medications in Schools* (Sept. 2014), at 1, available at <https://www.lung.org/getmedia/872c9b6a-5379-4321-8913-102d53182e29/improving-access-to-asthma.pdf.pdf>.

⁵ *Id.*

⁶ American Academy of Allergy, *Asthma & Immunology, School stock inhaler program* (2021), <https://www.aaaai.org/tools-for-the-public/latest-research-summaries/the-journal-of-allergy-and-clinical-immunology/2021/school-inhaler> (last visited Jan. 9, 2024).

⁷ Cleveland Clinic, *Bronchodilator*, <https://my.clevelandclinic.org/health/treatments/17575-bronchodilator> (last visited Jan. 9, 2024). The inhaled forms of short-acting beta 2-agonists medications include Albuterol, Levalbuterol, or a combination of albuterol and ipratropium bromide.

⁸ American Lung Association, *Why Schools Should Stock Asthma Inhalers* (Aug. 2023), <https://www.lung.org/blog/why-schools-should-stock-inhalers> (last visited Jan. 9, 2024).

Society and others,⁹ stated that for children with asthma, access to quick-relief medications is critical to minimizing morbidity and mortality. The policy statement included an approach a state legislature could take to ensure access at school through stock albuterol policies whereby a school maintains a supply of stock albuterol that can be used by any student who experiences respiratory distress. The statement concluded that stock albuterol in schools is a safe, practical, and potentially life-saving option for children with asthma, whether asthma is diagnosed or undiagnosed, who lack access to their personal quick-relief medication.¹⁰

School Stock Albuterol Policies-Other States Efforts

Several states¹¹ have passed legislation and guidelines addressing asthma management in schools. While many state policies allow asthmatic students to carry an inhaler with them at school, some states have implemented policies which allow schools to stock quick-relief medications to respond to a student in a respiratory distress emergency.

For example, Virginia law requires each local school board to adopt and implement policies for the possession and administration of stock albuterol inhalers and valved holding chambers in every public school in the local school division.¹² Authorized personnel, such as a school nurse or employee of the school board, are responsible for administering the albuterol. In 2023, the Virginia Legislature expanded on those who could administer the albuterol inhalers to include authorized licensed athletic trainers under contract with a local school division.¹³

In 2022, the Arizona Legislature authorized school districts and charter schools to accept monetary donations or apply for grants to purchase inhalers and spacers or holding chambers. Alternatively, the school districts and charter schools may directly accept donations of these items from the product manufacturer.¹⁴

In Illinois, public and nonpublic schools are authorized to maintain a supply of asthma medication in any secure location that is accessible before, during, or after school where a person is most at risk.¹⁵ Authorized personnel, such as school nurse or trained personnel, may administer the asthma medication to any person that the individual believed in good faith was in respiratory distress.

School Health Services in Florida

School health services are an important component of the public health system and help assure that Florida's students are healthy and ready to learn. School health services are intended to minimize health barriers to learning for public school students in grades prekindergarten through twelve in all 67 Florida counties.¹⁶

⁹ The policy statement was a joint effort made by the American Thoracic Society (ATS), The Allergy and Asthma Network Mothers of Asthmatics (AANMA), American Lung Associations (ALA), and the National Association of School Nurses (NASN).

¹⁰ Anna Volerman, et al., Ensuring Access to Albuterol in Schools: From Policy to Implementation. An official ATS/AANMA/ALA/NASN Policy Statement, 204 American Journal of Respiratory and Critical Care Medicine 5 (Sept. 2021), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8491259/pdf/rccm.202106-1550ST.pdf>.

¹¹ Examples of states that passed legislation and guidelines addressing asthma management in schools include Arkansas, ARK. CODE. § 6-18-707(d)-(h) (2019), California, CAL. CIVIL CODE § 49414.7 (2023), 105., Indiana, IND. CODE § 16-41-43-1, 16-41-43-3.5, 20-34-4.5-0.2, and 20-34-4.5-0.6 (2017), Iowa, IOWA CODE § 280.16 (2022), Montana, MO. REV. STAT. § 167.635 (2012), New Hampshire, N.H. REV. STAT. § 200:53 (2016), New Mexico, N.M. REV. STAT. ANN. § 24-31-1 (2018), Ohio, OHIO REV. CODE. ANN. § 3313.7113 (2023), Oklahoma, OKLA. STAT. tit. 70, §70-1-116.3 (2020), Texas, TEX. General-LAW MUNICIPALITY CODE ANN. § 38.001 (2007), Utah, UTAH CODE ANN. § 26-41-101 to 107 (2020).

¹² VA CODE. ANN. § 22.1-274.2, Virginia Law, *Code of Virginia*, § 22.1-274.2. <https://law.lis.virginia.gov/vacode/22.1-274.2/> (last visited Jan. 15, 2023).

¹³ VA CODE. ANN. § 8.01-225 (2023)

¹⁴ ARIZ. REV. STAT. § 15-158 and § 22.1-274.2 (2022)

¹⁵ Ill. COMP. STAT. 5/22-30 and 27A-5 (2017), see also Illinois Public Act, SB3015 Enrolled, available at <https://www.ilga.gov/legislation/publicacts/100/PDF/100-0726.pdf>.

¹⁶ Florida Department of Education, School Health Services, <https://www.fdoe.org/schools/k-12-public-schools/sss/sch-health-serv.stml> (last visited Jan. 10, 2024). Service are provided in accordance with a local school health services plan under s. 381.0056(4)(a), F.S.

Asthma

In accordance with Florida law, asthmatic students attending public school may carry a metered dose inhaler with them while in school, provided they have obtained approval from both their parent and physician. The school principal must be provided a copy of the parent's and physician's approval.¹⁷ Current law does not authorize an asthmatic student attending a private school to carry a metered dose inhaler with them while at school.

Epinephrine Use and Supply

Florida law also addresses the use of epinephrine auto-injectors for public and private K-12 students, at risk of life-threatening allergic reactions, known as anaphylaxis.

A public school student may carry and self-administer an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with parental and physician authorization.¹⁸ For each public school student authorized to carry an epinephrine auto-injector, the school nurse must develop an annual child-specific action plan for an anticipated health emergency in the school setting.¹⁹

Additionally, both K-12 public and private schools in Florida may purchase and maintain a supply of epinephrine auto-injectors in a secure, locked location on school premises for use if a student has an anaphylactic reaction.²⁰ A participating school district or private school is required to adopt a protocol developed by a licensed physician for administration of the epinephrine by school personnel.²¹ The epinephrine auto-injectors may be administered by school personnel or self-administered by the student.²²

K-12 public and private schools, their employees, agents, and physicians who provide the standing protocol are exempted from liability for any injury arising from the use of an epinephrine auto-injector if the epinephrine auto-injector is administered by trained school personnel who follows the protocol and reasonably believes that the student is having an anaphylactic reaction.²³ Florida law provides that the liability protections apply:²⁴

- even if the student's parent has not been provided notice or has not signed a statement acknowledging that the school district is not liable; and
- regardless of whether authorization has been given by the student's parent or the student's physician.

However, the liability protections do not apply if the trained school personnel's action is willful and wanton.²⁵

Effect of Proposed Changes

To provide access to life-saving interventions during respiratory distress at a public or private school, the bill authorizes a public or private school to acquire and stock a supply of short-acting bronchodilators and components from a wholesale distributor²⁶ or to enter into an arrangement with a

¹⁷ Section 1002.20(3)(h), F.S.

¹⁸ Section 1002.20(3)(i)1., F.S.; *see also* rule 6A-6.0251, F.A.C.

¹⁹ Rule 6A-6.0251, F.A.C.; *see also* rule 64F-6.004, F.A.C.

²⁰ Sections 1002.20(3)(i)2., F.S. and 1002.42(17)(a), F.S.

²¹ *Id.*

²² *Id.*

²³ Sections 1002.20(3)(i)3., F.S. and 1002.42(17)(b), F.S.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Section 499.003(49), F.S. Wholesale distributor means a person, other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager, who is engaged in wholesale distribution.

wholesale distributor or manufacturer,²⁷ for short-acting bronchodilators and components at fair-market, free, or reduced prices.

The bill authorizes specified health care practitioners to prescribe short-acting bronchodilators and components in the name of a public school or private school. Additionally, the bill authorizes a licensed pharmacist to dispense short-acting bronchodilators and components to a prescription issued in the name of a public or private school.

Under the bill, a public or private school may also accept short-acting bronchodilators and components as a donation or transfer if they are new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug Administration.

A public or private school which elects to acquire and stock a supply of short-acting bronchodilators and components must maintain the supply in a secure location on the school's premises. Additionally, the participating school district or private school must adopt a protocol developed by a licensed physician for administration of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator and components. The bill provides that the supply of short-acting bronchodilators and components may be provided to and used by a trained school personnel member or a student authorized to self-administer a short-acting bronchodilator and components.

Under the bill the school district, public school, or private school, must provide written notice to the parent of each student enrolled in the school district, public school, or private school, of the school's adopted protocol and must receive prior permission from a student's parent to administer a short-acting bronchodilator or components in a respiratory distress emergency.

The bill specifies that school nurse or trained school personnel at a participating public or private school must only administer short-acting bronchodilators and components to students if they have successfully completed training and believe in good faith that the student is experiencing severe respiratory distress.

The bill provides that a school district and its employees and agents, as well as a private school and its employees and agents, acting in good faith are not liable for any injury arising from the use or non-use of a short-acting bronchodilator or components administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is experiencing respiratory distress:

- Unless the trained school personnel's action is willful and wanton.
- Notwithstanding that the parents of the student to whom the short-acting bronchodilator is administered have not been provided notice or have not signed a statement acknowledging that the school district is not liable.
- Regardless of whether authorization has been given by the student's parents or by the student's physician, physician assistant, or advanced practice registered nurse.

The bill provides that any authorized healthcare practitioner who prescribes, or a dispensing pharmacist who fills, a prescription for a short-acting bronchodilator and components for use by a public or private school is immune from civil liability for any act or omission to act related to the administration of a short-acting bronchodilator or components, except for an act of willful or wanton misconduct.

The bill updates the terminology for the type of device an asthmatic public school student may carry from a metered-dose inhaler to a short-acting bronchodilator and component and authorizes an asthmatic private school student, similar to a public school student, to carry a short-acting

²⁷ Section 499.003(29), F.S. Manufacturer means a person who holds a New Drug Application, an Abbreviated New Drug Application, a Biologics License Application, or a New Animal Drug Application approved under the federal act or license issued under s. 351 of the Public Health Service Act, 42 U.S.C. s. 262, for such drug or biologics, or if such drug or biologics are not the subject of an approved application or license, the person who manufactured the drug or biologics, a co-licensed partner or affiliates, and those manufacturing devices or cosmetics.

bronchodilator and components while in school. The private school student's parent and physician must provide their approval to the private school's principal.

The bill defines the following terms:

- "Administer" to mean to give or to directly apply a short-acting bronchodilator or components to a student.
- "Asthma" to mean a chronic lung disease that inflames and narrows the airways, which can manifest as wheezing, chest tightness, shortness of breath, and coughing.
- "Authorized health care practitioner" to mean a physician, a physician assistant or a registered nurse, each licensed as defined under the law.
- "Components" to mean devices used as part of clinically recommended use of short-acting bronchodilators, which may include spacers, valved holding chambers, or nebulizers.
- "Respiratory distress" to refer to an individual experiencing difficulty breathing, which can be caused by a multitude of medical factors, including chronic diseases such as asthma.
- "Short-acting bronchodilator" to mean a beta-2 agonist, such as albuterol, used for the quick relief of asthma symptoms and recommended by the National Heart, Lung, and Blood Institute's National Asthma Education and Prevention Program Guidelines for the Treatment of Asthma. These bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or by a pressured metered-dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a short-acting bronchodilator recommended in the Guidelines for the Treatment of Asthma.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.20, F.S.; providing definitions; authorizing certain public school students to carry a short-acting bronchodilator and components; providing for public schools to receive prescribed short-acting bronchodilators and components in the school's name; authorizing public schools to acquire and stock a supply of short-acting bronchodilators and components through specified means; providing for the adoption of specified protocols relating to such short-acting bronchodilators and components; providing school district, public school, and parental requirements for the administration of such short-acting bronchodilators and components; providing construction.

Section 2: Amends s. 1002.42, F.S.; providing definitions; authorizing certain private school students to carry a short-acting bronchodilator and components; providing for private schools to receive prescribed short-acting bronchodilators and components in the school's name; authorizing private schools to acquire and stock a supply of short-acting bronchodilators and components through specified means; providing for the adoption of specified protocols relating to such short-acting bronchodilators and components; providing private school and parental requirements for the administration of such short-acting bronchodilators and components; providing construction.

Section 3: Establishes an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Participating schools may incur costs when acquiring a stock supply of short-acting bronchodilators and components. Additional expenses may arise for training personnel to administer the bronchodilators and their components unless an association offers free training which a school may use.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 18, 2024, the Choice & Innovation Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment authorizes a private school, similar to a public school, to accept short-acting bronchodilators and components as a donation or transfer if they are new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug Administration.

The analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.

1 A bill to be entitled
 2 An act relating to short-acting bronchodilator use in
 3 public and private schools; amending ss. 1002.20 and
 4 1002.42, F.S.; providing definitions; authorizing
 5 certain public and private school students to carry a
 6 short-acting bronchodilator and components; providing
 7 for public and private schools to receive prescribed
 8 short-acting bronchodilators and components in the
 9 school's name; authorizing public and private schools
 10 to acquire and stock a supply of short-acting
 11 bronchodilators and components through specified
 12 means; providing for the adoption of specified
 13 protocols relating to such short-acting
 14 bronchodilators and components; providing school
 15 district, public and private school, and parental
 16 requirements for the administration of such short-
 17 acting bronchodilators and components; providing
 18 construction; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Paragraph (h) of subsection (3) of section
 23 1002.20, Florida Statutes, is amended to read:

24 1002.20 K-12 student and parent rights.—Parents of public
 25 school students must receive accurate and timely information

26 regarding their child's academic progress and must be informed
27 of ways they can help their child to succeed in school. K-12
28 students and their parents are afforded numerous statutory
29 rights including, but not limited to, the following:

30 (3) HEALTH ISSUES.—

31 (h) Short-acting bronchodilator ~~Inhaler~~ use.—

32 1. As used in this paragraph, the term:

33 a. "Administer" means to give or directly apply a short-
34 acting bronchodilator or components to a student.

35 b. "Asthma" means a chronic lung disease that inflames and
36 narrows the airways, which can manifest as wheezing, chest
37 tightness, shortness of breath, and coughing.

38 c. "Authorized health care practitioner" means a physician
39 licensed under chapter 458 or chapter 459, a physician assistant
40 licensed under chapter 458 or chapter 459, or a registered nurse
41 licensed under chapter 464.

42 d. "Components" means devices used as part of clinically
43 recommended use of short-acting bronchodilators, which may
44 include spacers, valved holding chambers, or nebulizers.

45 e. "Respiratory distress" refers to an individual
46 experiencing difficulty breathing, which can be caused by a
47 multitude of medical factors, including chronic diseases such as
48 asthma.

49 f. "Short-acting bronchodilator" means a beta-2 agonist,
50 such as albuterol, used for the quick relief of asthma symptoms

51 and recommended by the National Heart, Lung, and Blood
52 Institute's National Asthma Education and Prevention Program
53 Guidelines for the Treatment of Asthma. These bronchodilators
54 may include an orally inhaled medication that contains a
55 premeasured single dose of albuterol or albuterol sulfate
56 delivered by a nebulizer or by a pressured metered-dose inhaler
57 used to treat respiratory distress, including, but not limited
58 to, wheezing, shortness of breath, and difficulty breathing, or
59 another dosage of a short-acting bronchodilator recommended in
60 the Guidelines for the Treatment of Asthma.

61 2. Asthmatic students whose parent and physician provide
62 their approval to the school principal may carry a short-acting
63 bronchodilator and components ~~metered-dose inhaler~~ on their
64 person while in school. The school principal shall be provided a
65 copy of the parent's and physician's approval.

66 3. An authorized health care practitioner may prescribe
67 short-acting bronchodilators and components in the name of a
68 public school for use in accordance with this section and a
69 licensed pharmacist may dispense short-acting bronchodilators
70 and components pursuant to a prescription issued in the name of
71 a public school for use in accordance with this section.

72 4. A public school may acquire and stock a supply of
73 short-acting bronchodilators and components from a wholesale
74 distributor as defined in s. 499.003 or may enter into an
75 arrangement with a wholesale distributor or manufacturer as

76 defined in s. 499.003 for short-acting bronchodilators and
77 components at fair-market, free, or reduced prices pursuant to a
78 prescription issued in accordance with this section. The short-
79 acting bronchodilators and components must be maintained in a
80 secure location on a school's premises. The participating school
81 district shall adopt a protocol developed by a licensed
82 physician for administration of short-acting bronchodilators or
83 components by school personnel who are trained to recognize
84 symptoms of respiratory distress and to administer a short-
85 acting bronchodilator and components. The supply of short-acting
86 bronchodilators and components may be provided to and used by a
87 trained school personnel member or a student authorized to self-
88 administer a short-acting bronchodilator and components.

89 5. A public school may accept short-acting bronchodilators
90 and components as a donation or transfer if they are new,
91 unexpired, manufacturer-sealed, not subject to recall,
92 unadulterated, and in compliance with relevant regulations
93 adopted by the United States Food and Drug Administration.

94 6. A school nurse or trained school personnel shall only
95 administer short-acting bronchodilators and components to
96 students if they have successfully completed training and
97 believe in good faith that the student is experiencing severe
98 respiratory distress, regardless of whether the student has a
99 prescription for a short-acting bronchodilator and components or
100 has previously been diagnosed with asthma.

101 7. The school district or school shall provide written
102 notice to the parent of each student enrolled in the school
103 district or school of the school's adopted protocol and must
104 receive prior permission from a student's parent to administer a
105 short-acting bronchodilator or components in a respiratory
106 distress emergency.

107 8. A school district and its employees and agents who act
108 in good faith are not liable for any injury arising from the use
109 or non-use of a short-acting bronchodilator or components
110 administered by trained school personnel who follow the adopted
111 protocol and whose professional opinion is that the student is
112 experiencing respiratory distress:

113 a. Unless the trained school personnel's action is willful
114 and wanton.

115 b. Notwithstanding that the parents of the student to whom
116 the short-acting bronchodilator is administered have not been
117 provided notice or have not signed a statement acknowledging
118 that the school district is not liable.

119 c. Regardless of whether authorization has been given by
120 the student's parents or by the student's physician, physician
121 assistant, or advanced practice registered nurse.

122 9. Any authorized healthcare practitioner who prescribes,
123 or a dispensing pharmacist who fills, a prescription for a
124 short-acting bronchodilator and components for use by a school
125 is immune from civil liability for any act or omission to act

126 related to the administration of a short-acting bronchodilator
127 or components, except for an act of willful or wanton
128 misconduct.

129 Section 2. Subsection (18) of section 1002.42, Florida
130 Statutes, is renumbered as subsection (19) and subsection (18)
131 is added to that section, to read:

132 1002.42 Private schools.—

133 (18) SHORT-ACTING BRONCHODILATOR USE.—

134 (a) As used in this paragraph, the term:

135 1. "Administer" means to give or directly apply a short-
136 acting bronchodilator or components to a student.

137 2. "Asthma" means a chronic lung disease that inflames and
138 narrows the airways, which can manifest as wheezing, chest
139 tightness, shortness of breath, and coughing.

140 3. "Authorized health care practitioner" means a physician
141 licensed under chapter 458 or chapter 459, a physician assistant
142 licensed under chapter 458 or chapter 459, or a registered nurse
143 licensed under chapter 464.

144 4. "Components" means devices used as part of clinically
145 recommended use of short-acting bronchodilators, which may
146 include spacers, valved holding chambers, or nebulizers.

147 5. "Respiratory distress" refers to an individual
148 experiencing difficulty breathing, which can be caused by a
149 multitude of medical factors, including chronic diseases such as
150 asthma.

151 6. "Short-acting bronchodilator" means a beta-2 agonist,
 152 such as albuterol, used for the quick relief of asthma symptoms
 153 and recommended by the National Heart, Lung, and Blood
 154 Institute's National Asthma Education and Prevention Program
 155 Guidelines for the Treatment of Asthma. These bronchodilators
 156 may include an orally inhaled medication that contains a
 157 premeasured single dose of albuterol or albuterol sulfate
 158 delivered by a nebulizer or by a pressured metered-dose inhaler
 159 used to treat respiratory distress, including, but not limited
 160 to, wheezing, shortness of breath, and difficulty breathing, or
 161 another dosage of a short-acting bronchodilator recommended in
 162 the Guidelines for the Treatment of Asthma.

163 (b) Asthmatic students whose parent and physician provide
 164 their approval to the school principal may carry a short-acting
 165 bronchodilator and components on their person while in school.
 166 The school principal shall be provided a copy of the parent's
 167 and physician's approval.

168 (c) An authorized health care practitioner may prescribe
 169 short-acting bronchodilators and components in the name of a
 170 private school for use in accordance with this section, and a
 171 licensed pharmacist may dispense short-acting bronchodilators
 172 and components pursuant to a prescription issued in the name of
 173 a private school for use in accordance with this section.

174 (d) A private school may acquire and stock a supply of
 175 short-acting bronchodilators and components from a wholesale

176 distributor as defined in s. 499.003 or may enter into an
177 arrangement with a wholesale distributor or manufacturer as
178 defined in s. 499.003 for short-acting bronchodilators and
179 components at fair-market, free, or reduced prices pursuant to a
180 prescription issued in accordance with this section. The short-
181 acting bronchodilators and components must be maintained in a
182 secure location on the school premises. The participating school
183 shall adopt a protocol developed by a licensed physician for the
184 administration of a short-acting bronchodilator or components by
185 school personnel who are trained to recognize symptoms of
186 respiratory distress. The supply of short-acting bronchodilators
187 and components may be provided to and used by a trained school
188 personnel member or a student authorized to self-administer a
189 short-acting bronchodilator and components.

190 (e) A private school may accept short-acting
191 bronchodilators and components as a donation or transfer if they
192 are new, unexpired, manufacturer-sealed, not subject to recall,
193 unadulterated, and in compliance with relevant regulations
194 adopted by the United States Food and Drug Administration.

195 (f) A school nurse or trained school personnel shall only
196 administer short-acting bronchodilators and components to
197 students if they have successfully completed training and
198 believe in good faith that the student is experiencing severe
199 respiratory distress, regardless of whether the student has a
200 prescription for a short-acting bronchodilator and components or

201 has previously been diagnosed with asthma.

202 (g) The private school shall provide written notice to the
203 parent of each student enrolled in the private school of the
204 school's adopted protocol and must receive prior permission from
205 a student's parent to administer a short-acting bronchodilator
206 or components in a respiratory distress emergency.

207 (h) The private school and its employees and agents who
208 act in good faith are not liable for any injury arising from the
209 use or non-use of a short-acting bronchodilator or components
210 administered by trained school personnel who follow the adopted
211 protocol and whose professional opinion is that the student is
212 experiencing respiratory distress:

213 1. Unless the trained school personnel's action is willful
214 and wanton.

215 2. Notwithstanding that the parents of the student to whom
216 the short-acting bronchodilator is administered have not been
217 provided notice or have not signed a statement acknowledging
218 that the private school is not liable.

219 3. Regardless of whether authorization has been given by
220 the student's parents or by the student's physician, physician
221 assistant, or advanced practice registered nurse.

222 (i) Any authorized healthcare practitioner who prescribes,
223 or a dispensing pharmacist who fills, a prescription for a
224 short-acting bronchodilator and components for use by a private
225 school is immune from civil liability for any act or omission to

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226 | act related to the administration of a short-acting
227 | bronchodilator or components, except for an act of willful or
228 | wanton misconduct.

229 | Section 3. This act shall take effect July 1, 2024.