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|--------------|--|---|-----|------------|-------------------|----------------|
| Tab 1 | SB 396 by Berman (CO-INTRODUCERS) Perry; (Similar to H 00387) Holocaust Remembrance Day | | | | | |
| 312570 | A | S | RCS | ED, Berman | Delete L.36 - 47: | 01/31 08:35 AM |

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|--------------|---|--|--|--|--|--|
| Tab 2 | SB 962 by Hooper; (Similar to CS/H 00883) Student Health | | | | | |
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|--------------|---|---|-----|-------------|-------------------------|----------------|
| Tab 3 | SB 996 by Burgess; (Compare to CS/H 01285) Education | | | | | |
| 276456 | D | S | RCS | ED, Burgess | Delete everything after | 01/31 08:35 AM |

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| Tab 4 | SPB 7048 by ED; Education | | | | | |
|--------------|----------------------------------|--|--|--|--|--|

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

EDUCATION PRE-K -12
Senator Simon, Chair
Senator Burgess, Vice Chair

MEETING DATE: Tuesday, January 30, 2024**TIME:** 1:00—3:00 p.m.**PLACE:** Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Simon, Chair; Senator Burgess, Vice Chair; Senators Berman, Calatayud, Collins, Grall, Hutson, Jones, Osgood, Perry, and Yarborough

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|--|-----------------------------|
| 1 | SB 396 Berman (Similar H 387) | Holocaust Remembrance Day; Requiring the Governor to annually proclaim a specified day as "Holocaust Remembrance Day"; requiring that "Holocaust Remembrance Day" be observed in this state's public schools and be observed by public exercise as the Governor may designate, etc. ED 01/30/2024 Fav/CS GO RC | Fav/CS Yeas 11 Nays 0 |
| 2 | SB 962 Hooper (Similar CS/H 883) | Student Health; Revising a provision to authorize asthmatic students to carry a short-acting bronchodilator, rather than a metered dose inhaler; authorizing licensed pharmacists to dispense short-acting bronchodilators and components in the name of a public school; requiring certain public schools to adopt a protocol developed by a licensed physician for the administration of a short-acting bronchodilator and components by school personnel; authorizing certain students to carry a short-acting bronchodilator at school under certain conditions, etc. ED 01/30/2024 Favorable HP RC | Favorable Yeas 11 Nays 0 |
| 3 | SB 996 Burgess (Compare CS/H 1285) | Education; Requiring virtual instruction program providers and virtual charter schools to provide specified information to school districts; requiring the Department of Education to create the Purple Star School District program; authorizing district school boards to assign certain students to an alternative-to-expulsion program; authorizing the Commissioner of Education to appoint and remove an executive director of the Education Practices Commission, etc. ED 01/30/2024 Fav/CS AED FP | Fav/CS Yeas 11 Nays 0 |

Consideration of proposed bill:

COMMITTEE MEETING EXPANDED AGENDA

Education Pre-K -12

Tuesday, January 30, 2024, 1:00—3:00 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|-------------------------|--|---|
| 4 | SPB 7048 | Education; Expanding the credit contributions for eligible nonprofit scholarship-funding organizations; revising eligibility requirements for the Family Empowerment Scholarship Program; revising eligibility requirements for the Florida Tax Credit Scholarship Program; revising requirements for the Hope Scholarship Program; requiring the Florida Center for Students with Unique Abilities to develop specified purchasing guidelines by a specified date and annually revise such guidelines, etc. | Submitted and Reported Favorably as Committee Bill Yeas 10 Nays 0 |

| TAB | OFFICE and APPOINTMENT (HOME CITY) | FOR TERM ENDING | COMMITTEE ACTION |
|---|------------------------------------|-----------------|-------------------------------------|
| Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated. | | | |
| State Board of Education | | | |
| 5 | Garcia, Kelly (Tampa) | 12/31/2025 | Recommend Confirm Yeas 11 Nays 0 |

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---------------------------------|-------------------------|--|------------------|
| Other Related Meeting Documents | | | |

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 396

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

SUBJECT: Holocaust Remembrance Day

DATE: January 31, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|---------------|
| 1. | Sabitsch | Bouck | ED | Fav/CS |
| 2. | | | GO | |
| 3. | | | RC | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 396 establishes Holocaust Remembrance Day. Specifically, the bill:

- Requires the Governor to annually proclaim the first weekday in “Holocaust Education Week” as “Holocaust Remembrance Day.”
- Permits the day to be suitably observed in public schools, the capitol, and elsewhere as designated by the Governor.
- Permits instruction to be delivered on the designated day on the harmful impacts of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity.

The bill takes effect on July 1, 2024.

II. Present Situation:

Legal Holidays and Observances

Chapter 683, F.S., provides designations for legal holidays and special observances. Special observances are also found in other parts of Florida law. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. For example, “Gasparilla Day”¹ is a legal holiday observed only in Hillsborough County, while “Bill of Rights

¹ Section 683.08, F.S.

Day,”² if issued by the Governor, is observed throughout the state. Depending on the holiday or special observance, certain actions may be required to be performed for the commemoration or observance of the date, day, or month. For example, Florida law recognizes the month of September as “American Founders’ Month,”³ urging, but not requiring, all civic, fraternal, and religious organizations and public and private educational institutions to recognize this occasion. In contrast, the last full week of classes in September is designated as “Celebrate Freedom Week,”⁴ in which public schools are required to include at least three hours of grade-appropriate instruction related to the meaning and importance of the Declaration of Independence in social studies classes.⁵

There are 27 legal holidays⁶ established in law and 33 special observances.⁷ The state recognizes nine paid holidays that are observed by all state branches and agencies.⁸

The Holocaust

The Holocaust (1933-1945) was the systematic, state-sponsored persecution and murder of 6 million European Jews and others by the Nazi German regime and its allies and collaborators. At the beginning of Nazi rule, Dictator Adolf Hitler used the government to target and exclude Jews from German society. Among other anti-Semitic measures, the Nazi German regime enacted discriminatory laws and organized violence targeting Germany’s Jews. The Holocaust is also sometimes referred to as “the Shoah,” the Hebrew word for “catastrophe”.⁹

The Nazis falsely accused Jews of causing Germany’s social, economic, political, and cultural problems. In particular, they blamed them for Germany’s defeat in World War I (1914–1918). Some Germans were receptive to these Nazi claims. Anger over the loss of the war and the economic and political crises that followed contributed to increasing antisemitism in German society. The instability of Germany under the Weimar Republic (1918–1933), the fear of communism, and the economic shocks of the Great Depression also made many Germans more open to Nazi ideas, including antisemitism.¹⁰

However, the Nazis did not invent antisemitism. Antisemitism is an old and widespread prejudice that has taken many forms throughout history. In Europe, it dates back to ancient times. In the Middle Ages (500–1400), prejudices against Jews were primarily based in early Christian belief and thought, particularly the myth that Jews were responsible for the death of Jesus. Suspicion and discrimination rooted in religious prejudices continued in early modern Europe (1400–1800). At that time, leaders in much of Christian Europe isolated Jews from most aspects

² Section 683.25, F.S.

³ Section 683.1455, F.S.

⁴ Section 1003.421, F.S.

⁵ *Id.*

⁶ There are 21 state legal holidays, three judicial circuit court legal holidays, and three county legal holidays. Sections 683.01, 683.08, 683.09, 683.12, and 683.19, F.S.

⁷ Sections 683.04 - 683.335, F.S.

⁸ Section 110.117(1), F.S. Paid state holidays include: New Year’s Day, the Birthday of Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day.

⁹ United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited Jan 19, 2024).

¹⁰ *Id.*

of economic, social, and political life. This exclusion contributed to stereotypes of Jews as outsiders. As Europe became more secular, many places lifted most legal restrictions on Jews. This, however, did not mean the end of antisemitism. In addition to religious antisemitism, other types of antisemitism took hold in Europe in the 18th and 19th centuries. These new forms included economic, nationalist, and racial antisemitism. In the 19th century, antisemites falsely claimed that Jews were responsible for many social and political ills in modern industrial society. Theories of race, eugenics, and Social Darwinism falsely justified these hatreds. Nazi prejudice against Jews drew upon all of these elements, but especially racial antisemitism. Racial antisemitism is the discriminatory idea that Jews are a separate and inferior race.¹¹

The Nazi persecution of Jews became radicalized with the culminated plan known as the “Final Solution to the Jewish Question.” The “Final Solution” came to fruition during World War II, with mass shootings and gas poisoning killing centers in concentration camps. About 6 million Jews and some 5 million others, targeted for racial, political, ideological, and behavioral reasons, died in the Holocaust, more than 1 million of those who perished were children.¹²

Commemoration of the Holocaust

The United Nations (UN) General Assembly designated January 27, the anniversary of the liberation of Auschwitz-Birkenau, as International Holocaust Remembrance Day. On this annual day of commemoration, the UN urges every member state to honor the 6 million Jewish victims of the Holocaust and millions of other victims of Nazism and to develop education programs to help prevent future genocides.¹³

Holocaust Education in Florida

In 2020, the Legislature directed the Department of Education (DOE) to develop standards for Holocaust Education.¹⁴ The DOE worked closely with the Commissioner of Education’s Task Force on Holocaust Education and Florida teachers to develop content-rich and developmentally appropriate standards. In the process, DOE received and considered comments from state and nationally recognized Holocaust educational organizations, Florida educators, school administrators, representatives of the Florida College System and state universities, business and industry leaders, and the public.¹⁵

¹¹ United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited Jan 19, 2024).

¹² United States Holocaust Memorial Museum, *Introduction to the Holocaust*, <https://encyclopedia.ushmm.org/content/en/article/introduction-to-the-holocaust> (last visited Jan 19, 2024).

¹³ United Nations General Assembly Resolution 60/7. *See also*, United Nations, *Outreach Programme on the Holocaust*, <https://www.un.org/en/holocaustremembrance/observance/> (last visited Jan. 19, 2024).

¹⁴ Chapter 2020-88, s. 5, Laws of Fla.

¹⁵ Florida Department of Education, *Commissioner of Education’s Task Force on Holocaust Education*, <https://www.fldoe.org/holocausteducation/> (last visited Jan. 19, 2024).

In July 2021, the State Board of Education (SBE) adopted the updated State Standards for Social Studies, incorporating revised civics and government standards¹⁶ and new standards for grades 5-12 for Holocaust education for which instruction began in 2023-2024.¹⁷

Required instruction on the Holocaust (1933-1945) must include the history of the systematic annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, and be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism and the prevention of anti-Semitism.¹⁸

Each school district must annually certify and provide evidence to the DOE that it has met the instructional requirements on Holocaust education. In addition, the DOE may contract with any state or nationally-recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.¹⁹

Florida recognizes the second week in November as Holocaust Education Week, which coincided with the anniversary of Kristallnacht, November 9-10, 1938. Kristallnacht is widely recognized as a precipitating event that led to the Holocaust.²⁰ The DOE has created a portal dedicated to Holocaust Education Week, which offers commemoration resources, educational programs, and materials concerning the Holocaust, for school districts, teachers, parents, and the general public.²¹

III. Effect of Proposed Changes:

SB 396 creates s. 683.196, F.S., to require the Governor to proclaim the first weekday in “Holocaust Education Week” proclaimed under s. 1003.42(2)(g)2., as “Holocaust Remembrance Day” and may be suitably observed in public schools and at the state capital and other locations designated by the Governor.

The bill specifies that if the first weekday of Holocaust Education Week falls on a day that is not a school day, Holocaust Remembrance Day may be observed in schools on the following school day or on a school day designated by the local district school board.

The bill permits instruction about the harmful impacts on humanity of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity. The instruction

¹⁶ Chapter 2019-150, s.1, Laws of Fla.

¹⁷ Florida Department of Education, *Next Generation Sunshine State Standards – Social Studies, 2021*, available at <https://www.fldoe.org/core/fileparse.php/19975/urlt/5-3.pdf>.

¹⁸ Section 1003.42(2)(g)1., F.S.

¹⁹ Section 1003.42(2)(g)1., F.S.

²⁰ Section 1003.42(2)(g)2., F.S.

²¹ Florida Department of Education, *Holocaust Education Week*, <https://www.fldoe.org/holocausteducation/holo-ed-week.shtml> (last visited Jan. 19, 2024).

may be delivered on Holocaust Remembrance Day. The bill does not specify if such instruction is to be based on state academic standards or required instruction under s. 1003.42, F.S., for Holocaust education.

This bill is effective July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 683.196 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:****CS by Education Pre-K – 12 Committee on January 30, 2024:**

The committee substitute modifies the required observance and instruction in public schools related to Holocaust Remembrance Day and makes such observance and instruction permissive.

B. Amendments:

None.

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



312570

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 01/31/2024 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment (with title amendment)

Delete lines 36 - 47
and insert:
to be "Holocaust Remembrance Day," which may be suitably
observed in the public schools of this state and by public
exercise at the State Capitol and elsewhere as the Governor may
designate.

(2) If the first weekday of "Holocaust Education Week"
falls on a day that is not a school day, "Holocaust Remembrance



312570

Day" may be observed in the public schools on the following
school day or as otherwise designated by the district school
board having jurisdiction.

(3) Instruction on the harmful impacts of the Holocaust and
anti-Semitism and the positive impacts of the Jewish community
on humanity may be provided as part of the public school
instruction on "Holocaust Remembrance Day."

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

And the title is amended as follows:

Delete lines 5 - 8

and insert:

Day"; authorizing "Holocaust Remembrance Day" to be
observed in this state's public schools and be
observed by public exercise as the Governor may
designate; providing construction; authorizing
specified

By Senator Berman

26-00008A-24

2024396__

A bill to be entitled

An act relating to Holocaust Remembrance Day; creating s. 683.196, F.S.; requiring the Governor to annually proclaim a specified day as "Holocaust Remembrance Day"; requiring that "Holocaust Remembrance Day" be observed in this state's public schools and be observed by public exercise as the Governor may designate; providing construction; requiring specified instruction; providing an effective date.

WHEREAS, more than 77 years have passed since the Holocaust ended, yet anti-Semitism and unfounded hatred of Jews continues to spread throughout the world, and

WHEREAS, millions of Jews, Soviet civilians, and persons with disabilities were murdered during the Holocaust, as well as people targeted for their ethnicity, religion, political beliefs, and sexual orientation, and

WHEREAS, Kristallnacht, widely recognized as a precipitating event that led to the Holocaust, was a series of pogroms unleashed by Nazi leaders against the Jewish population in Germany and newly incorporated territories which caused the destruction of Jewish-owned businesses, synagogues, schools, and homes, and

WHEREAS, the tragedy of the Holocaust and the ongoing effects of anti-Semitism still impact Jewish communities in this state, NOW, THEREFORE,

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

Page 1 of 2

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

26-00008A-24

2024396__

Section 1. Section 683.196, Florida Statutes, is created to read:

683.196 Holocaust Remembrance Day.—

(1) In honor of the millions of victims killed in the Holocaust, the Governor shall annually proclaim the first weekday in "Holocaust Education Week" under s. 1003.42(2)(g)2. to be "Holocaust Remembrance Day," which must be suitably observed in the public schools of this state and by public exercise at the State Capitol and elsewhere as the Governor may designate.

(2) If the first weekday of "Holocaust Education Week" falls on a day that is not a school day, "Holocaust Remembrance Day" must be observed in the public schools on the following school day or as otherwise designated by the district school board having jurisdiction.

(3) Instruction on the harmful impacts of the Holocaust and anti-Semitism and the positive impacts of the Jewish community on humanity must be provided as part of the public school instruction on "Holocaust Remembrance Day."

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

January 30, 2024
Meeting Date

SB 396
Bill Number or Topic

Education Pre K-12
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Billy Delucia, Florida PTA Phone 407-314-5423

Address 108 Monterey Oaks Dr Email pdelucia@cfl.rr.com
Sanford, FL 32771
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 962

INTRODUCER: Senator Hooper

SUBJECT: Student Health

DATE: January 30, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|------------------|
| 1. | Brick | Bouck | ED | Favorable |
| 2. | | | HP | |
| 3. | | | RC | |

I. Summary:

SB 962 provides a framework for public and private schools to treat students with asthma or otherwise in respiratory distress. The bill authorizes:

- Trained staff to administer bronchodilators to students in respiratory distress and includes immunity for good faith administration.
- Schools to acquire and safely maintain a supply of bronchodilators.

The bill takes effect July 1, 2024.

II. Present Situation:

Asthma is a chronic condition that involves inflammation of the airways.¹ In Florida, approximately 1 in 8 adults and 1 in 9 children have asthma.² 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.³

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.⁴ Rescue inhalers, known as short-acting bronchodilators, are used for sudden, acute asthma symptoms and includes short-acting beta 2-agonists, which quickly open airways to stop asthma symptoms. Referred to as “reliever”

¹ Florida Health, *What is Asthma?*, <https://www.floridahealth.gov/diseases-and-conditions/asthma/what-is-asthma.html> (last visited Jan. 26, 2024).

² *Id.*

³ American Lung Association, *Improving Access to Asthma Medications in Schools* (Sept. 2014), available at <https://www.lung.org/getmedia/872c9b6a-5379-4321-8913-102d53182e29/improving-access-to-asthma.pdf.pdf>, at 1.

⁴ 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. 26, 2024).

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.⁵

In a 2021 joint policy statement on ensuring access to albuterol in schools, the American Thoracic Society, the Allergy and Asthma Network Mothers of Asthmatics, the American Lung Association, and the National Association of School Nurses stated that for children with asthma, access to quick-relief medications is critical to minimizing morbidity and mortality.⁶ 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.⁷

Bronchodilator Regulation

The Federal Food, Drug, and Cosmetic Act governs the sale of drugs⁸ in the United States.⁹ When approving applications for the approval of new drugs, the Secretary of Health and Human Services indicates whether the drug is approved for over-the-counter or for prescription use.¹⁰

A short-acting beta-2 agonist contains albuterol or a derivative thereof¹¹ and is only available with a prescription.¹² A common metered-dose inhaler costs between \$20 to \$100.¹³

Subject to statutory exceptions, it is illegal for a drug manufacturer or wholesale distributor in Florida to distribute a prescription drug to a person without a prescription.¹⁴ One such statutory exception authorizes a public school to purchase a supply of epinephrine auto-injectors from a wholesale distributor or manufacturer.¹⁵ In addition, a manufacturer or wholesale distributor of a short-acting beta-2 agonist may sell a prescription drug to:¹⁶

- A licensed pharmacist or any person under the licensed pharmacist’s supervision while acting within the scope of the licensed pharmacist’s practice;

⁵ Cleveland Clinic, *Bronchodilator*, <https://my.clevelandclinic.org/health/treatments/17575-bronchodilator> (last visited Jan. 26, 2024).

⁶ 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>.

⁷ *Id.*

⁸ The term “drug” is broadly defined in federal law and includes any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals. 21 U.S.C. s. 321(g)(1).

⁹ 21 U.S.C. s. 355(a).

¹⁰ 21 U.S.C. s. 353(b)(1).

¹¹ Cleveland Clinic, *Bronchodilator*, <https://my.clevelandclinic.org/health/treatments/17575-bronchodilator> (last visited Jan. 26, 2024).

¹² Mayo Clinic, *Beta-2 Adrenergic Agonist (Oral Route, Injection Route)*, <https://www.mayoclinic.org/drugs-supplements/beta-2-adrenergic-agonist-oral-route-injection-route/description/drg-20069364> (last visited Jan. 26, 2024).

¹³ 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>, at 518.

¹⁴ Section 499.005(14), F.S.

¹⁵ Section 1002.20(3)(i), F.S.

¹⁶ Section 499.03(1), F.S.

- A licensed practitioner authorized by law to prescribe prescription drugs or any person under the licensed practitioner's supervision while acting within the scope of the licensed practitioner's practice;
- A qualified person who uses prescription drugs for lawful research, teaching, or testing, and not for resale;
- A licensed hospital or other institution that procures such drugs for lawful administration or dispensing by practitioners;
- An officer or employee of a federal, state, or local government; or
- A person that holds a valid permit issued by the Department of Business and Professional Regulation, which authorizes that person to possess prescription drugs.

School Health

District school board personnel may assist students in the administration of certain medication and medical services.¹⁷ County health departments, district school boards, and local school health advisory committees jointly develop school health services plans, which must include provisions for meeting emergency needs at each school.¹⁸ Each school must ensure that at least two school staff members are currently certified by nationally recognized certifying agencies to provide first aid and cardiopulmonary resuscitation.¹⁹

In Florida, asthmatic students may carry a metered dose inhaler at school if both their parent and physician approve and provide written authorization to the school principal.²⁰

III. Effect of Proposed Changes:

SB 962 provides a framework for public and private schools to treat students in respiratory distress.

Definitions

The bill amends s. 1002.20, F.S., to modify the rights for asthmatic student to carry devices to treat asthma at a public school. For consistency, the bill defines

- “Administer” to mean to give or directly apply a short-acting bronchodilator to a student.
- “Asthma” to mean a chronic lung disease that inflames and narrows the airways and can manifest wheezing, chest tightness, shortness of breath, and coughing.
- “Authorized health care practitioner” as a physician licensed under chapter 458 or chapter 459, a physician assistant licensed under chapter 458 or chapter 459, or a registered nurse licensed under chapter 464.
- “Components” to mean devices used as part of clinically recommended use of short-acting bronchodilators, including spacers, valved holding chambers, or nebulizers.
- “Respiratory distress” to mean difficulty breathing by an individual, which can be caused by several medical factors, including chronic diseases such as asthma.

¹⁷ Section 1006.062, F.S.

¹⁸ Sections 381.0056(4)(a)12. and 1006.062(6), F.S.

¹⁹ Rule 64F-6.004, F.A.C.

²⁰ Section 1002.20(3)(h), F.S.

- “Short-acting bronchodilator” to mean any beta-2 agonist, such as albuterol, which is used for the quick relief of asthma symptoms and is recommended by the National Heart, Lung, and Blood Institute. Such bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or compressor device 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 bronchodilator recommended by the National Heart, Lung, and Blood Institute.

Bronchodilator Supply

The bill facilitates the provision and use of short-acting bronchodilators in public and private schools. The bill authorizes:

- An authorized health care practitioner to prescribe short-acting bronchodilators and components in the name of a school for use as provided in the bill.
- A licensed pharmacist to dispense short-acting bronchodilators and components pursuant to a prescription issued in the name of a public school for use as provided in the bill.
- A school nurse or a trained school personnel member to administer short-acting bronchodilators or components to students only if the personnel member has successfully completed training and believes in good faith that the student is experiencing respiratory distress or asthma-related distress, regardless of whether the student has a prescription for a short-acting bronchodilator or has previously been diagnosed with asthma.

The bill provides a pathway for schools to purchase and maintain a supply of bronchodilators. The bill authorizes schools to:

- Acquire and stock a supply of short-acting bronchodilators and components from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer, for short-acting bronchodilators and components at no charge, a fair market price, or a reduced price for use in the event a student experiences an anaphylactic reaction or respiratory distress.
- 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.
- Supply short-acting bronchodilators and components for use by a trained school personnel member or a student authorized to self-administer a short-acting bronchodilator or components.

The bill provides safeguards for the use of bronchodilators in schools. The bill requires:

- The short-acting bronchodilators and components to be maintained in a secure location on a school’s premises.
- The participating school district or school to 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 or components.
- The school district or school to provide written notice of the district’s or school’s adopted protocol to each parent or guardian.

- The school to receive prior permission from the parent or guardian to administer a short-acting bronchodilator or components to a student.

Bronchodilator Administration

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

- Unless the trained school personnel member's or nurse's action is willful and wanton;
- Notwithstanding that the parent or guardian of the student to whom the short-acting bronchodilator is administered 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 guardian or by the student's physician, physician assistant, or advanced practice registered nurse.

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

The bill also amends s. 1002.42, F.S., to extend to private schools the same framework for short-acting bronchodilator use.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.20 and 1002.42.

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

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

None.

B. Amendments:

None.

By Senator Hooper

21-00831B-24

2024962__

1 A bill to be entitled
 2 An act relating to student health; amending s.
 3 1002.20, F.S.; defining terms; revising a provision to
 4 authorize asthmatic students to carry a short-acting
 5 bronchodilator, rather than a metered dose inhaler;
 6 authorizing authorized health care practitioners to
 7 prescribe short-acting bronchodilators and components
 8 in the name of a public school; authorizing licensed
 9 pharmacists to dispense short-acting bronchodilators
 10 and components in the name of a public school;
 11 authorizing a public school to acquire and stock
 12 short-acting bronchodilators and components from
 13 wholesale distributors; authorizing a public school to
 14 enter into certain arrangements with a wholesale
 15 distributor or manufacturer; requiring a public school
 16 that obtains short-acting bronchodilators and
 17 components to maintain them in a secure location on
 18 school premises; requiring certain public schools to
 19 adopt a protocol developed by a licensed physician for
 20 the administration of a short-acting bronchodilator
 21 and components by school personnel; providing that a
 22 public school's short-acting bronchodilators and
 23 components may be provided to and used by trained
 24 school personnel or students authorized to self-
 25 administer a short-acting bronchodilator and
 26 components; authorizing school districts to accept
 27 short-acting bronchodilators and components as a
 28 donation or transfer if the bronchodilators and
 29 components meet specified requirements; providing

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

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30 requirements for school personnel to administer a
 31 short-acting bronchodilator to a student; requiring
 32 school districts or public schools to provide written
 33 notice of the adopted protocol to each parent or
 34 guardian; requiring public schools to receive a parent
 35 or guardian's prior permission to administer a short-
 36 acting bronchodilator to a student; providing for
 37 immunity from liability for specified individuals
 38 under certain conditions; amending s. 1002.42, F.S.;
 39 defining terms; authorizing certain students to carry
 40 a short-acting bronchodilator at school under certain
 41 conditions; authorizing authorized health care
 42 practitioners to prescribe short-acting
 43 bronchodilators and components in the name of a
 44 private school; authorizing licensed pharmacists to
 45 dispense short-acting bronchodilators and components
 46 in the name of a private school; authorizing private
 47 schools to acquire and stock short-acting
 48 bronchodilators and components from wholesale
 49 distributors; authorizing private schools to enter
 50 into certain arrangements with a wholesale distributor
 51 or manufacturer; requiring private schools that obtain
 52 short-acting bronchodilators and components to
 53 maintain them in a secure location on school premises;
 54 requiring such private schools to adopt a protocol
 55 developed by a licensed physician for the
 56 administration of a short-acting bronchodilator by
 57 school personnel; providing that a private school's
 58 bronchodilators may be provided to and used by trained

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school personnel and by students authorized to self-administer short-acting bronchodilators; authorizing private schools to accept short-acting bronchodilators and components as a donation or transfer if the bronchodilators and components meet specified requirements; providing requirements for school personnel to administer a short-acting bronchodilator and components to a student; requiring private schools to provide written notice of the adopted protocol to each parent or guardian; requiring private schools to receive a parent or guardian's prior permission to administer a short-acting bronchodilator and components to a student; providing for immunity from liability for specified individuals under certain conditions; providing an effective date.

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

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

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(h) Short-acting bronchodilator ~~inhaler~~ use.—

1. As used in this paragraph, the term:

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

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

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

d. "Components" means devices used as part of clinically recommended use of short-acting bronchodilators, including spacers, valved holding chambers, or nebulizers.

e. "Respiratory distress" means difficulty breathing by an individual, which can be caused by several medical factors, including chronic diseases such as asthma.

f. "Short-acting bronchodilator" means any beta-2 agonist, such as albuterol, which is used for the quick relief of asthma symptoms and is recommended by the National Heart, Lung, and Blood Institute. Such bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or compressor device 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 bronchodilator recommended by the National Heart, Lung, and Blood Institute.

2. Asthmatic students whose parent and physician provide their approval to the school principal may carry a short-acting bronchodilator ~~metered dose inhaler~~ on their person while in

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117 school. The school principal ~~must~~ shall be provided a copy of
 118 the parent's and physician's approval.

119 3. An authorized health care practitioner may prescribe
 120 short-acting bronchodilators and components in the name of a
 121 public school for use in accordance with this section, and a
 122 licensed pharmacist may dispense short-acting bronchodilators
 123 and components pursuant to a prescription issued in the name of
 124 a public school for use in accordance with this section.

125 4.a. A public school may acquire and stock a supply of
 126 short-acting bronchodilators and components from a wholesale
 127 distributor as defined in s. 499.003 or may enter into an
 128 arrangement with a wholesale distributor or manufacturer, as
 129 those terms are defined in s. 499.003, for short-acting
 130 bronchodilators and components at no charge, a fair market
 131 price, or a reduced price for use in the event a student
 132 experiences an anaphylactic reaction or respiratory distress.
 133 The short-acting bronchodilators and components must be
 134 maintained in a secure location on a school's premises. The
 135 participating school district or public school shall adopt a
 136 protocol developed by a licensed physician for administration of
 137 short-acting bronchodilators or components by school personnel
 138 who are trained to recognize symptoms of respiratory distress
 139 and to administer a short-acting bronchodilator or components.
 140 The supply of short-acting bronchodilators and components may be
 141 provided to and used by a trained school personnel member or a
 142 student authorized to self-administer a short-acting
 143 bronchodilator or components.

144 b. A public school may accept short-acting bronchodilators
 145 and components as a donation or transfer if they are new,

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146 unexpired, manufacturer-sealed, not subject to recall,
 147 unadulterated, and in compliance with relevant regulations
 148 adopted by the United States Food and Drug Administration.

149 c. A school nurse or a trained school personnel member may
 150 administer short-acting bronchodilators or components to
 151 students only if the personnel member has successfully completed
 152 training and believes in good faith that the student is
 153 experiencing respiratory distress or asthma-related distress,
 154 regardless of whether the student has a prescription for a
 155 short-acting bronchodilator or has previously been diagnosed
 156 with asthma.

157 d. The school district or public school shall provide
 158 written notice of the district's or school's adopted protocol to
 159 each parent or guardian. The public school must receive prior
 160 permission from the parent or guardian to administer a short-
 161 acting bronchodilator or components to a student.

162 e. A school district and its employees and agents who act
 163 in good faith are not liable for any injury arising from the use
 164 or nonuse of a short-acting bronchodilator or components
 165 administered by a trained school personnel member or nurse who
 166 follows the adopted protocol and whose professional opinion is
 167 that the student is experiencing respiratory distress:

168 (I) Unless the trained school personnel member's or nurse's
 169 action is willful and wanton;

170 (II) Notwithstanding that the parent or guardian of the
 171 student to whom the short-acting bronchodilator is administered
 172 has not been provided notice or has not signed a statement
 173 acknowledging that the school district is not liable; and

174 (III) Regardless of whether authorization has been given by

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175 the student's parent or guardian or by the student's physician,
176 physician assistant, or advanced practice registered nurse.

177 f. An authorized health care practitioner or dispensing
178 pharmacist who prescribes short-acting bronchodilators and
179 components for use by a public school is immune from civil
180 liability for any act or omission related to the administration
181 of a short-acting bronchodilator or components, except for an
182 act of willful or wanton misconduct.

183 Section 2. Subsection (19) is added to section 1002.42,
184 Florida Statutes, to read:

185 1002.42 Private schools.—

186 (19) SHORT-ACTING BRONCHODILATOR USE.—

187 (a) As used in this subsection, the term:

188 1. "Administer" means to give or directly apply a short-
189 acting bronchodilator to a student.

190 2. "Asthma" means a chronic lung disease that inflames and
191 narrows the airways and can manifest wheezing, chest tightness,
192 shortness of breath, and coughing.

193 3. "Authorized health care practitioner" means a physician
194 licensed under chapter 458 or chapter 459, a physician assistant
195 licensed under chapter 458 or chapter 459, or a registered nurse
196 licensed under chapter 464.

197 4. "Components" means devices used as part of clinically
198 recommended use of short-acting bronchodilators, including
199 spacers, valved holding chambers, or nebulizers.

200 5. "Respiratory distress" means difficulty breathing by an
201 individual, which can be caused by several medical factors,
202 including chronic diseases such as asthma.

203 6. "Short-acting bronchodilator" means any beta-2 agonist,

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204 such as albuterol, which is used for the quick relief of asthma
205 symptoms and is recommended by the National Heart, Lung, and
206 Blood Institute. Such bronchodilators may include an orally
207 inhaled medication that contains a premeasured single dose of
208 albuterol or albuterol sulfate delivered by a nebulizer or
209 compressor device or by a pressured metered dose inhaler used to
210 treat respiratory distress, including, but not limited to,
211 wheezing, shortness of breath, and difficulty breathing, or
212 another dosage of a bronchodilator recommended by the National
213 Heart, Lung, and Blood Institute.

214 (b) Asthmatic students whose parent and physician provide
215 their approval to the school principal may carry a short-acting
216 bronchodilator on their person while in school. The school
217 principal must be provided a copy of the parent's and
218 physician's approval.

219 (c) An authorized health care practitioner may prescribe
220 short-acting bronchodilators and components in the name of a
221 private school for use in accordance with this section, and a
222 licensed pharmacist may dispense short-acting bronchodilators
223 and components pursuant to a prescription issued in the name of
224 a private school for use in accordance with this section.

225 (d) A private school may acquire and stock a supply of
226 short-acting bronchodilators and components, as defined in s.
227 1002.20(3)(h), from a wholesale distributor as defined in s.
228 499.003 or may enter into an arrangement with a wholesale
229 distributor or manufacturer, as those terms are defined in s.
230 499.003, for short-acting bronchodilators and components at no
231 charge, a fair market price, or a reduced price for use in the
232 event a student experiences an anaphylactic reaction or

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respiratory distress. The short-acting bronchodilators and components must be maintained in a secure location on the school premises. The participating school shall adopt a protocol developed by a licensed physician for the administration of a short-acting bronchodilator or components by school personnel who are trained to recognize symptoms of respiratory distress. 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 or components.

(e) A private school may 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.

(f) A school nurse or a trained school personnel member may administer short-acting bronchodilators or components to students only if the personnel member has successfully completed training and believes in good faith that the student is experiencing respiratory distress or asthma-related distress, regardless of whether the student has a prescription for a short-acting bronchodilator or has previously been diagnosed with asthma.

(g) A private school shall provide written notice of the school's adopted protocol to each parent or guardian. A private school must receive prior permission from the parent or guardian to administer a short-acting bronchodilator or components to a student.

(h) A private school and its employees and agents who act

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in good faith are not liable for any injury arising from the use or nonuse of a short-acting bronchodilator or components administered by a trained school personnel member or nurse who follows the adopted protocol and whose professional opinion is that the student is experiencing respiratory distress:

1. Unless the trained school personnel member's or nurse's action is willful and wanton;

2. Notwithstanding that the parent or guardian of the student to whom the short-acting bronchodilator is administered has not been provided notice or has not signed a statement acknowledging that the school is not liable; and

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

(i) An authorized health care practitioner or dispensing pharmacist who prescribes short-acting bronchodilators and components for use by a private school is immune from civil liability for any act or omission related to the administration of a short-acting bronchodilator or components, except for an act of willful or wanton misconduct.

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

01/30/2024

Meeting Date

Education Pre-K-12

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 962

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Anna Grace Lewis**

Phone **850-205-9000**

Address **119 S. Monroe St. Suite 200**

Email **agl@mhdfirm.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The American Lung Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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30 Jan. 2024

Meeting Date

Ed. Pre-K-12

Committee

962

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Matthew Holliday

Phone

239-826-7864

Address

350 7th Street North

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Naples

City

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State

34102

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Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

NCH

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 962
Bill Number or Topic

Amendment Barcode (if applicable)

January 30, 2024
Meeting Date

Education PreK-12
Committee

Name Polly DeLucia, Florida PTA Phone 407-314-5423

Address 108 Monterey Oaks Dr Email pdelucia@cfl.rr.com
Street

Sanford, FL 32771
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 996

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

SUBJECT: Education

DATE: February 1, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|---------------|
| 1. | Palazesi | Bouck | ED | Fav/CS |
| 2. | | | AED | |
| 3. | | | FP | |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 996 makes several changes to Florida's K-12 public schools and postsecondary institutions.

For Florida's K-12 public schools, the bill:

- Clarifies the process for students enrolled in an approved virtual instruction program provider or virtual charter school to participate in statewide, standardized assessments and assessments in the coordinated screening and progress monitoring system.
- Clarifies that it not necessary to make an annual application for exemption on property used to house a charter school.
- Creates the Purple Star School District program.
- Authorizes school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program.
- Authorizes alternate methods of communicating to parents regarding placement into a dropout prevention and academic intervention program.
- Prohibits school districts from identifying students as eligible to receive services through the dropout prevention and academic intervention program based solely on a student having a disability, and requires an academic intervention plan for each student enrolled in a dropout prevention and academic intervention program.
- Revises the deadlines for submission of turnaround plans and requirements under a turnaround option available to low performing schools and specifies the responsibilities of a

school district and charter school in implementing a turnaround plan for a public school reopening as a charter school.

- Provides that, beginning in the 2024-2025 school year, any changes made by the State Board of Education to components in the school grades model or to the school grading scale go into effect, at the earliest, in the following school year.
- Authorizes the Commissioner of Education to appoint and remove the executive director for the Education Practices Commission.
- Provides students in grades 11 and 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) and consult with a military recruiter during the school day.

For postsecondary institutions, the bill:

- Allows documentation of the homestead exemption as a single piece of evidence proving residency for tuition purposes.
- Repeals the Florida College System's employment equity and accountability program.
- Requires that dual enrollment articulation agreements include consideration of online courses.
- Transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009 -2010 to 2022-2023.
- Creates a new Associates of Arts (AA) specialized transfer degree for students who need additional credit above the 60 hours in preparation for transfer to a baccalaureate degree program.

The bill takes effect July 1, 2024.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Charter Schools

Present Situation

Charter schools are public schools that operate under a performance contract, or a “charter” which frees them from many regulations created for traditional public schools while holding them accountable for academic and financial results. The charter contract between the charter school governing board and the sponsor details the school’s mission, program, goals, students served, methods of assessment and ways to measure success.¹ As part of the charter application to the sponsor, the charter school must disclose the name of each applicant, governing board member, and all proposed education services providers is included in the charter application.²

¹ Florida Department of Education, *FAQ, What are charter schools?*, <http://www.fldoe.org/schools/school-choice/charter-schools/charter-school-faqs.html> (last visited Jan. 30, 2024). See also 1002.33(7), F.S.

² Section 1002.33(6)(a)6., F.S.

In the 2022-23 school year, there were 726 charter schools in 46 Florida districts.³ Similar to traditional public schools, charter schools may use capital outlay funding on the purchase of real property, construction of school facilities and purchase, lease-purchase, or lease of permanent or relocatable school facilities.⁴ Charter schools are considered educational institutions⁵ within the state and property used by them for educational purposes are exempt from taxation.⁶ Unless waived by the county, persons or organizations eligible for a property tax exemption are required to file an application with the property appraiser on or before March 1 of each year in which the exemption is claimed.⁷ For charter schools, any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor⁸ and the charter school governing board is exempt from ad valorem taxes.⁹ For leasehold properties, the landlord must certify by affidavit to the charter school that the required payments under the lease, whether paid to the landlord or on behalf of the landlord to a third party, will be reduced to the extent of the exemption received.¹⁰

It is not necessary for an annual application for exemption to be filed for:¹¹

- Houses of public worship, the lots on which they are located, personal property located therein or thereon, parsonages, burial grounds and tombs owned by houses of public worship, individually owned burial rights not held for speculation, or other such property not rented or hired out for other than religious or educational purposes at any time.
- Household goods and personal effects of permanent residents of this state.
- Property of the state or any county, any municipality, any school district, or community college district thereof.

Effect of Proposed Changes

The bill amends s. 1002.33, F.S., to remove outdated language referencing “charter school owners.” Charter schools operate as not-for-profit organizations administered by a governing board, not an owner.

³ Florida Department of Education, *Florida’s Charter Schools Fact Sheet*, <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf> (last visited Jan. 30, 2024).

⁴ Section 1013.62 (4), F.S.

⁵ Section 196.012(5), F.S. defines an educational institution as a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 1001.24, 1004.28, and 1004.70; facilities located on the property of eligible entities which will become owned by those entities on a date certain; and institutions of higher education, as defined under and participating in the Higher Educational Facilities Financing Act.

⁶ Section 196.198, F.S.

⁷ Section 196.011(1)(a), F.S.

⁸ Charter school sponsors include a district school board, a state university system, a Florida College System institution, a charter school-in-the-workplace, and a charter school in-a-municipality.

⁹ Section 196.1983, F.S., see also s.1002.33(18)(c), F.S. Section 192.001, defines ad valorem taxes as a tax based upon the assessed value or property, the term “property tax” may be used interchangeable with the term “ad valorem tax.”

¹⁰ Section 196.1983, F.S.

¹¹ Section 196.011(3), F.S.

The bill amends s.196.011, F.S., to prohibit counties from requiring any facility, or portion thereof, used to house a charter school from making an annual application for exemption on property. The bill requires that the owner or lessee notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes so as to change the exempt status of the property. If any owner or lessee fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner or lessee was not entitled to receive such exemption, the owner or lessee of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted.

The bill requires the property appraiser who is making the determination to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien and the property is subject to the payment of all taxes and penalties. The bill also requires that when the lien is filed it must be attached to any property, identified in the notice of tax lien, owned by the person or entity who illegally or improperly received the exemption. If such person or entity no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser is required to record a notice of tax lien in the other county or counties, identifying the property owned by such person or entity in such county or counties, and it becomes a lien against such property in such county or counties.

Virtual Schools

Present Situation

Virtual Instruction Programs

Virtual instruction programs are provided in an interactive learning environment created through technology in which students are separated from their teachers by time or space, or both.¹² Each school district is required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.¹³ To provide students residing within the school district the option of participating in virtual instruction programs, a school district may:¹⁴

- Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School.
- Contract with an approved virtual instruction program provider for the provision of a full-time or part-time.
- Enter into an agreement with other school districts to allow the participation of its students in an approved virtual instruction program provided by the other school district.
- Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs.
- Enter into an agreement with a virtual charter school authorized by the school district.

¹² Section 1002.45(1)(a)3., F.S.

¹³ Section 1002.45(1)(b)1., F.S.

¹⁴ Section 1002.45(1)(c), F.S.

The Department of Education is required to annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs.¹⁵

Students enrolled in a school district's virtual instruction program must participate in statewide assessments and participate in the coordinated screening and progress monitoring system.¹⁶ Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract¹⁷ with a qualified contractor to administer and proctor statewide, standardized assessments.¹⁸ If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.¹⁹

Statewide Assessments and the Coordinated Screening and Program Monitoring

Florida's statewide, standardized assessments measure the extent to which students have mastered the state academic standards. Florida and federal law require that all public school students participate in statewide, standardized English Language Arts (ELA) and Mathematics assessments at least annually beginning in the 3rd grade,²⁰ and a science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.²¹ Students must also participate in statewide, standardized end-of-course (EOC) assessments in Algebra I, Geometry, Biology I, Civics, and U.S. History.²²

All Voluntary Prekindergarten (VPK) providers and public schools in Florida are required to participate in a coordinated screening and progress monitoring system (CSPM) for students in VPK through grade 8 in mathematics and VPK through grade 10 in ELA.²³ The CSPM is administered three times a year. The end-of-year comprehensive progress monitoring assessment administered to students is considered the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.²⁴

Effect of Proposed Changes

The bill amends section 1002.45, F.S., to clarify the process for students enrolled in an approved virtual instruction program provider or virtual charter school to participate in all statewide standardized assessments and in the coordinated screening and progress monitoring system. The bill requires that the virtual instruction program provider or virtual charter school provide the school district a list of students to be tested, which includes student names, Florida Education Identifiers, grade levels, assessments to be administered and contact information. Additionally,

¹⁵ Section 1002.45(2)(a), F.S.

¹⁶ Section 1002.45(5)(b), F.S.

¹⁷ Section 1008.24(3), F.S. School district may contract with qualified contractors to administer and proctor statewide, standardized assessments.

¹⁸ Section 1002.45(5), F.S.

¹⁹ *Id.*

²⁰ Section 1008.22(3), F.S.; 20 U.S.C. s. 6311(2)(b)(v)(II).

²¹ *Id.*

²² Section 1008.22(3)(b), F.S.

²³ Section 1008.25, (9) F.S.

²⁴ Section 1008.22(3)(a) and (b), F.S.; Rule 6A-1.09422(4), F.A.C. The State Board of Education establishes three test administration windows for the CSPM, and districts can select the dates within each window to administer the assessments.

the bill requires that, unless an alternative testing site is agreed upon, all assessments must be taken at the school to which the student would be assigned according to the district school board attendance areas. Finally, the bill requires school districts to provide the student with access to the school or district testing facilities and the date and time of the administration of each statewide assessment.

Armed Services Vocational Aptitude Battery

Present Situation

School districts in Florida are required to grant military recruiters of the United States Armed Forces and United States Department of Homeland Security the same access to secondary school students, and to school facilities and grounds, that the district grants to postsecondary educational institutions or prospective employers of students.²⁵ School districts are required to allow a student attending a public high school in the district to enroll in the Junior Reserve Officers' Training Corps at another public high school in the district unless:²⁶

- The student's school offers the Junior Reserve Officers' Training Corps for any branch of the United States Armed Forces or United States Department of Homeland Security.
- The student does not meet the Junior Reserve Officers' Training Corps' minimum enrollment qualifications.
- Scheduling of the student's courses of study does not allow the student to attend the Junior Reserve Officers' Training Corps at another public high school in the district.

The Armed Services Vocational Aptitude Battery (ASVAB) is a multiple-aptitude battery that measures developed abilities and helps predict future academic and occupational success in the military.²⁷ It is administered annually to more than one million military applicants, high school, and post-secondary students.²⁸ Most ASVAB testing is currently conducted at a Military Entrance Process Station. The ASVAB is administered tests via computer-based and paper-based and are designed to measure aptitudes in four domains:²⁹

- Verbal.
- Math.
- Science.
- Technical.

Each branch of the military has different standards. The minimum scores each branch of the military requires depends on whether a potential recruit has a high school diploma or a high school equivalency diploma (GED). Those students with a GED need a higher Armed Forces Qualification Test (AFQT) score than students with a high school diploma. An AFQT score of 60 indicates that the examinee scored as well as or better than 60 percent of the nationally

²⁵ Section 1003.451(3)(a), F.S.

²⁶ Section 1003.451(2)(a)1.-3., F.S.

²⁷ Armed Services Vocational Aptitude Battery (ASVAB), *What is the ASVAB*, <https://www.officialasvab.com/>, (last visited Jan. 31, 2024).

²⁸ *Id.*

²⁹ Armed Services Vocational Aptitude Battery, *ASVAB Fact Sheet*, https://www.officialasvab.com/wp-content/uploads/2023/06/ASVAB-Fact_Sheet.pdf, (last visited Jan. 31, 2024). Examinees are given 198 minutes to complete the computer version of the ASVAB and examinees are given 225 minutes to complete the paper-based version of the ASVAB.

representative sample. For high school graduates earning a diploma, the requirements by military branch are as follows:³⁰

- Air Force recruits are required to have a minimum AFQT score of 31.
- Army recruits are required to have a minimum AFQT score of 31.
- Coast Guard recruits are required to have a minimum AFQT score of 36.
- Marine recruits are required to have a minimum AFQT score of 31.
- National Guard recruits are required to have a minimum AFQT score of 31.
- Navy recruits are required to have a minimum AFQT score of 31.

AFQT scores are divided into five categories:³¹

- Category I - 93-99.
- Category II - 65-92.
- Category IIIa - 50-64.
- Category IIIb - 31-49.
- Category IVa - 21-30.
- Category IVb - 16-20.
- Category IVc - 10-15.
- Category V - 1-9.

The school grading formula for high schools was modified to include the percentage of students who earned an AFQT score that falls within Category II or higher on the ASVAB and earned a minimum of two credits in Junior Reserve Officers' Training Corps courses from the same branch of the United States Armed Forces.³²

Effect of Proposed Changes

The bill amends s. 1003.451, F.S., to require school districts and charter schools to provide students in grades 11 and 12 an opportunity to take the ASVAB and consult with a military recruiter if the student selects. The bill requires that if a student in grade 11 and 12 chooses to take the ASVAB, the ASVAB must be scheduled during normal school hours.

Purple Star School Districts

Present Situation

In 2021, the Legislature established Purple Star Campuses to identify schools that demonstrate a commitment to or provide critical transition supports for military-connected families.³³ For a school to earn a Purple Star School Distinction the school must:³⁴

- Designate a staff member as a military liaison.
- Maintain a web page on the school's website which includes resources for military students and their families.

³⁰ Official ASVAB, *Enlistment Eligibility*, <https://www.officialasvab.com/applicants/enlistment-eligibility> (last visited Jan. 21, 2024).

³¹ *Id.*

³² Chapter 2020-75, s. 2, Laws of Fla. See also s. 1008.34(3)(b)2., F.S.

³³ Chapter 2021-65, s. 1, Laws of Fla.

³⁴ Section 1003.051(2), F.S.

- Maintain a student-led transition program that assists military students in transitioning into the school.
- Offer professional development training opportunities for staff members on issues relating to military students.
- Reserve at least five percent of controlled open enrollment seats for military students.
- Complete at least three of the following activities to support military families:³⁵
 - The school hosts at least one of the following annual military recognition events: Month of the Military Child, Month of the Military Family, Purple-Up! For Military Kids, Veteran's Day, Memorial Day.
 - The district school board where the school is located, or governing board in the case of a charter or private school, issues a resolution publicizing support for military students and families.
 - The school partners with one or more military school liaison officer(s) to provide opportunities for active-duty parents to volunteer at the school.
 - The school maintains a public display recognizing service members, veterans, or military students and families.
 - The school participates in a service project that connects the school with the military community, such as adopt-a-school, sending letters or care packages to deployed troops, or Yellow Ribbon events.
 - The school offers the Junior Reserve Officers' Training Corps (JROTC) program.

Once awarded, schools maintain their designation as a Purple Star School of Distinction for three school years.³⁶ Seventy-three schools completed all of the requirements to earn the Purple Star School of Distinction Designation from the 2023-2024 school year through the 2025-2026 school year.³⁷ One hundred and twenty-four schools completed all of requirements to earn the Purple Star School of Distinction Designation from the 2023-2024 school year through the 2025-2026 school year.³⁸

Effect of Proposed Changes

The bill creates s. 1003.052, F.S., to require the Department of Education (DOE) to establish the Purple Star School District program. The program requires that a participating school district:

- Have at least 75 percent of the schools in the school district designated as a Purple Star School of Distinction.
- Maintain a web page on the school district's web site 105 which includes resources for military students and their families and provides a link to each Purple Star School of Distinction's military web page.

The bill authorizes the DOE to establish additional criteria to identify school districts that demonstrate a commitment to or provide critical coordination of services for military-connected families, such as establishing a council consisting of a representative from each Purple Star

³⁵ Rule 6A-1.0999, F.A.C.

³⁶ *Id.*

³⁷ Florida Department of Education, *Purple Star School of Distinction Designation*, <https://www.fldoe.org/schools/family-community/activities-programs/parental-involvement/purple-star.stml>, (last visited Jan. 26, 2024).

³⁸ *Id.*

School of Distinction in the school district and one school district-level representative to ensure alignment of military student-focused policies and procedures within the school district.

Dropout Prevention and Academic Intervention

Present Situation

Dropout Prevention and Academic Intervention

Dropout prevention and academic intervention programs can differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students.³⁹ Students in grades 1-12 are eligible for dropout prevention and academic intervention programs. Eligible students are reported in the appropriate basic cost factor in the Florida Education Finance Program. The strategies and supports provided to eligible students are funded through the General Appropriations Act (GAA) and may include, but are not limited to, those services identified on the student's academic intervention plan.⁴⁰

District school boards are required to establish course standards for dropout prevention and academic intervention programs and procedures for ensuring that teachers assigned to the programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of these students.⁴¹

District school boards receiving state funding for dropout prevention and academic intervention programs through the GAA are required to submit information through an annual report to the Department of Education's (DOE) database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate. The DOE compiles the information into an annual report which is submitted to the presiding officers of the Legislature by February 15.⁴²

A student is identified as being eligible to receive services funded through the dropout prevention and academic intervention program based upon one of the following criteria:⁴³

- The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district achievement levels in reading, mathematics, or writing.
- The student has a pattern of excessive absenteeism or has been identified as a habitual truant.
- The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

³⁹ Section 1003.53, (1)(a), F.S.

⁴⁰ Section 1003.53, (1)(b), F.S.

⁴¹ Section 1003.53, (4), F.S. *See also* Rule 6A-6.0521, F.A.C.

⁴² 1003.53, (3), F.S.

⁴³ Section 1003.53, (1)(b), F.S.

- Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or
- Severely threatens the general welfare of students or others with whom the student comes into contact.

The school principal or his or her designee is required, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student's parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice.⁴⁴

Effect of Proposed Changes

The bill amends s. 1003.53, F.S., to authorize school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program. The bill authorizes a district school board to adopt a policy that allows a parent to agree to an alternative method of notification regarding a student's placement in a dropout prevention program or a suspension. The bill authorizes the agreement to be made before the need for the notification arises or at the time the notification is required.

The bill prohibits school districts from identifying students as eligible to receive services funded through the dropout prevention and academic intervention program based solely on a student having a disability. The bill requires that for each student enrolled in a dropout prevention and academic intervention program or school, an academic intervention plan must be developed to address eligibility for placement in the program, individualized student goals, and progress monitoring procedures. The academic intervention plan for exceptional student education students must be consistent with the student's individual education plan.

The bill modifies the requirement that district school boards submit specified dropout prevention and academic intervention program effectiveness information through an annual report to the Department of Education's database, to require reporting from districts that offer such programs rather than only those receiving state funds.

The bill requires that educators teaching at dropout prevention and academic intervention programs are certified under the law and rules of the State Board of Education.

⁴⁴ Section 1003.53(5), F.S.

Instructional Materials

Present Situation

Instructional Materials

The Florida Department of Education (DOE) facilitates the statewide instructional materials adoption process through evaluation of materials submitted by publishers and manufacturers.⁴⁵ Expert reviewers chosen by the DOE must objectively evaluate materials based on alignment to Florida's state-adopted standards, accuracy, and appropriateness for age and grade level.⁴⁶ Based on reviewer recommendations of materials that are "suitable, usable, and desirable," the Commissioner of Education (commissioner) then selects and adopts instructional materials for each grade and subject under consideration.⁴⁷ Currently, there is not a required timeline for DOE to adopt or publish a list of adopted instructional materials, often leading to the overlapping of the state-level adoption and district-level adoption of instructional materials. The DOE must provide training to instructional materials reviewers on competencies for making valid, culturally sensitive, and objective recommendations regarding the content and rigor of instructional materials prior to the beginning of the review and selection process.⁴⁸

Instructional materials publishers and manufacturers, as a part of both state and local approval processes, must electronically deliver to the DOE fully developed sample copies of all instructional materials to support the materials bids.⁴⁹

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.⁵⁰ State-approved teacher preparation programs are offered by Florida public and private postsecondary institutions, public school districts, and private providers by which candidates for educator certification can, depending on the type of program, demonstrate mastery of general knowledge, professional preparation and education competence, and/or subject area knowledge for purposes of attaining an educator certificate.⁵¹

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:⁵²

- Initial Teacher Preparation programs in public and private colleges and universities requiring candidates to demonstrate mastery of subject area knowledge in one or more specific subject

⁴⁵ Section 1006.34(1), F.S.

⁴⁶ Section 1006.31, F.S.

⁴⁷ Section 1006.34(2)(a), F.S. Generally, the commissioner adopts instructional materials according to a 5-year rotating schedule. The commissioner may approve a shorter schedule if the content area requires more frequent revision. Section 1006.36(1), F.S.

⁴⁸ Section 1006.29(5), F.S.

⁴⁹ Section 1006.38(2), F.S.

⁵⁰ Section 1004.04(1)(b), F.S.

⁵¹ See Florida Department of Education (DOE), *Professional Development in Florida*, <http://www.fldoe.org/teaching/professional-dev/> (last visited Jan 17, 2024). See also rule 6A-5.066, F.A.C.; ss. 1004.04(3)(a) and 1004.85(1), F.S.

⁵² Florida DOE, *Educator Preparation*, <http://www.fldoe.org/teaching/preparation> (last visited Jan. 17, 2024). See also rule 6A-5.066, F.A.C.

areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.⁵³

- Educator Preparation Institutes (EPIs) offering alternative certification programs by postsecondary institutions and qualified private providers for baccalaureate degree holders. These programs provide professional preparation for career-changers and recent college graduates who do not already possess a Professional Educator Certificate and require mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence.
- District professional development certification and education competency programs. Such programs are cohesive competency-based professional preparation certification programs offered by school districts, charter schools, and charter management districts by which the instructional staff can satisfy the mastery of professional preparation and education competence requirements.⁵⁴ In addition to completing the district program, candidates must demonstrate mastery of general knowledge⁵⁵ and subject area knowledge.⁵⁶

There are 57 initial teacher preparation programs in Florida, at 10 state universities, 19 Florida College System institutions, and 28 private colleges and universities.⁵⁷

Effect of Proposed Changes

The bill amends s. 1006.38, F.S., to require instructional materials publishers and manufactures to make available, electronically and freely, sample copies of instructional materials found on the Commissioner of Education's adopted list for each adoption cycle. The materials are used for online use by institutions and programs that prepare candidates for teacher preparation in teacher preparation programs, so that candidates can practice teaching with currently adopted instructional materials aligned to state academic standards.

School Improvement and School Grades

Present Situation

School Grades

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.⁵⁸ School grades are also used to determine whether a school

⁵³ Rule 6A-5.066(1)(r), F.A.C.

⁵⁴ Section 1012.56(8)(a), F.S. There are 77 such programs in Florida. Florida Department of Education. *State-Approved Educator Preparation Programs, Approved Add-on Programs*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited Jan. 18, 2024).

⁵⁵ See Florida DOE, *General Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/general-knowledge.shtml> (last visited Jan. 17, 2024).

⁵⁶ Florida DOE, *Subject Area Knowledge*, <https://www.fldoe.org/teaching/certification/general-cert-requirements/subject-area-knowledge.shtml> (last visited Jan. 17, 2024).

⁵⁷ Florida Department of Education. *State-Approved Educator Preparation Programs, Colleges/Universities*, <https://www.fldoe.org/teaching/preparation/initial-teacher-preparation-programs/approved-teacher-edu-programs.shtml> (last visited Jan. 18, 2024).

⁵⁸ Section 1008.34(1), F.S.

must select or implement a turnaround option⁵⁹ or whether a school is eligible for school recognition funds as appropriated by the Legislature.⁶⁰

Elementary, middle and high schools each share a basic model for determining school grades, based on the percentage of total points earned by a school for each component in the model. Middle and high school models include additional components beyond the basic model.⁶¹ Combination school models include the additional components for the grades served (*e.g.*, a school serving grades k-12 would include the additional components for the middle and high school models). Each school must receive a school grade based on the school's performance on the following components:⁶²

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized ELA assessments.
- For schools comprised of grade levels that include grade 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.

For a school comprised of grades 9-12, or 10-12 the school's grade is based on the following components:⁶³

- The 4-year high school graduation rate of the school.
- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in Junior Reserve Officers' Training Corps courses and earn a qualifying score on the Armed Services Vocational Aptitude Battery.

The SBE must periodically review the school grading scale to determine if the scale should be adjusted upward to meet raised expectations and encourage increased student performance. The SBE must notify the public of any adjustments and explain the reasons for the adjustment and the impact it will have on school grades.⁶⁴

⁵⁹ See s. 1008.33(4), F.S.

⁶⁰ See s. 1008.36, F.S.

⁶¹ See s. 1008.34(3)(b), F.S.; See also Rule 6A-1.09981(4)(a)-(c), F.A.C.

⁶² Section 1008.34(3)(b)1.a.-j., F.S.

⁶³ Section 1008.34(3)(b)2., F.S.

⁶⁴ Section 1008.34(3)(c)1., F.S.

School Improvement

Florida's system of improving low-performing schools is referred to as "school improvement" (SI). Under SI, the lowest-performing schools receive more comprehensive, state-provided intervention and support than schools that are closer to meeting student achievement goals.⁶⁵ Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."⁶⁶ Upon receipt of its first grade of "D," a school is considered a Tier I SI school in need of support and intervention from the school district.⁶⁷ Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of "D" or a grade of "F."⁶⁸

Schools that earn two consecutive grades of "D" or a grade of "F" must also implement a two-year district-managed turnaround plan.⁶⁹ The school district is required to submit:

- By September 1, the memorandum of understanding negotiated with the school district teacher union under an educational emergency.⁷⁰
- By October 1, district-managed turnaround plan to the State Board of Education (SBE) for approval.⁷¹

The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and a summer program for SBE approval. A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a turnaround plan for approval by the SBE.⁷²

Once the district-managed turnaround plan is approved by the SBE, the school district must implement the plan for the remainder of the year and continue implementation for the next full school year. If the school's grade does not improve to a "C" or higher after the second year, the school must select from the following turnaround options:⁷³

- Reassign students to another school and monitor the progress of each student.
- Close the school and reopen as one or more charter schools with a governing board that has a demonstrated record of effectiveness.
- Contract with an external operator that has a demonstrated record of effectiveness to operate the school.

⁶⁵ Section 1008.33(2)(b) and (4), F.S.; *see* rule 6A-1.099811, F.A.C. School improvement requirements were originally established under the 2002 reauthorization of ESEA, otherwise known as the No Child Left Behind (NCLB) Act of 2001. Pub. L. No. 107-110, 115 Stat. 1425 (Jan. 8, 2002).

⁶⁶ Section 1008.33(3)(b), F.S.

⁶⁷ Rule 6A-1.099811(3)(a), F.A.C.

⁶⁸ Section 1008.33(4)(a), F.S.

⁶⁹ Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

⁷⁰ Section 1001.42 (21), F.S. To free schools with a school grade of "D" or "F" from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance, a district school board may adopt salary incentives or other strategies that address the selection, placement, compensation, and expectations of instructional personnel and provide principals with autonomy.

⁷¹ Section 1008.33(4)(a), F.S.

⁷² Section 1008.33(4)(a), F.S.

⁷³ Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C

The SBE may allow a school an additional year of implementation before the school must implement a different turnaround option if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.⁷⁴

In the 2023-24 school year, there were 31 schools implementing a district-managed turnaround plan, one school implementing the charter school turnaround option, and one school implementing the external operator school turnaround option.⁷⁵

Effect of Proposed Changes

The bill amends s. 1008.34, F.S., to require that beginning in the 2024-2025 school year, that if the SBE makes any changes to the school grades model or scale that the changes may not go into effect until the following school year, at the earliest.

The bill amends s. 1008.33, F.S., to change several provisions related to the school improvement process and school turnaround options.

The bill requires that, beginning in the 2025-2026 school year, a school that has received an initial grade of “F” or a second consecutive grade of “D” must provide the Department of Education (DOE) the district-managed turnaround plan and memorandum of understanding to the DOE by August, instead of the current dates of October 1 and September 1, respectively. The bill requires that the plan must include measureable academic benchmarks that put the school on a path to earning and maintaining a grade of “C” or higher.

The bill requires that if a school district chooses to close the school and reopen the school as one or more charter schools as part of its turnaround process, the school district must continue to operate the school for the following school year and no later than October 1, execute a charter school turnaround contract. Which allows the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The bill requires that the school district may not reduce or remove resources from the school during this time. The bill requires charter schools to:

- Provide enrollment preference to students currently attending or who would have otherwise attended or been zoned for the school. The school district is required to consult and negotiate with the charter school every 3 years to determine whether realignment of the attendance zone is appropriate to ensure that students residing closest to the school are provided with an enrollment preference.
- Serve the existing grade levels served by the school at its current enrollment or higher but may, at its discretion, serve additional grade levels.

The bill requires that the school district may not withhold an administrative fee from the charter school for administrative and educational services specified in law. The school district also may not charge a rental or leasing fee for the existing facility or for the property normally inventoried to the school. The school and school district must agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to all other school facilities in the district.

⁷⁴ Section 1008.33(4)(a), F.S.

⁷⁵ Email, Florida Department of Education (Dec. 12, 2023).

Finally, the bill requires the SBE to adopt a standard charter school turnaround contract, standard facility lease, and mutual management agreement.

Dual Enrollment Programs

The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.⁷⁶ District school boards may not refuse to enter into a dual enrollment articulation⁷⁷ agreement with a local Florida College System (FCS) institution if that FCS institution has the capacity to offer dual enrollment courses. Additionally, each district school superintendent and each public postsecondary institution president is required to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.

The district superintendent and FCS institution president must establish an articulation committee for the purpose of developing an articulation agreement.⁷⁸ The dual enrollment articulation agreement must be completed and submitted annually by the postsecondary institution to the Department of Education on or before August 1. The agreement must include, but is not limited to:⁷⁹

- A description of the process by which students and their parents are informed about opportunities for student participation in the dual enrollment program.
- A delineation of courses and programs available to students eligible to participate in dual enrollment.
- Funding provision that delineates costs incurred by each entity.
- A description of the process by which students and their parents exercise options to participate in the dual enrollment program.
- A list of any additional initial student eligibility requirements for participation in the dual enrollment program.
- A delineation of the high school credit earned for the passage of each dual enrollment course.

Students who are enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that meets certain conditions and provides a secondary curriculum are eligible for dual enrollment, if they meet certain academic requirements.⁸⁰ Eligible students may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.⁸¹ In the 2022-2023 school year, 79,208 students were enrolled in a dual enrollment course.⁸²

⁷⁶ Section 1007.271(1) F.S.

⁷⁷ Section 1000.21(1), F.S. defines articulation as a systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.

⁷⁸ Section 1007.271(21) F.S.

⁷⁹ *Id.*

⁸⁰ Section 1007.271(2), F.S.

⁸¹ *Id.*

⁸² Florida Department of Education, *Know Your School Portal*, <https://edudata.fldoe.org/ReportCards/Schools.html?school=0000&district=00>, (last visited Jan. 31, 2024).

Effect of Proposed Changes

The bill amends s. 1007.217, F.S., to require that district school boards must make reasonable efforts to enter into dual enrollment articulation agreements with an FCS institution that offers online dual enrollment courses.

Working Students

Present Situation

Nationally, about 74 percent of part-time undergraduate students and 40 percent of full-time students in the United States were employed in 2020, according to the most recent data from the National Center for Education Statistics.⁸³ Being employed can help a student pay for classes and other living expenses; it can also be associated, either positively or negatively, with a student's academic performance.⁸⁴

Overall, the percentages of undergraduates who worked at least 20 hours per week were higher for part-time students than for full-time students. Specifically, 40 percent of part-time students worked 35 or more hours, compared with 10 percent of full-time students. Additionally, 26 percent of part-time students worked 20 to 34 hours per week, compared with 15 percent of full-time students. In contrast, the percentages of undergraduates who worked less than 20 hours per week were higher for full-time students than for part-time students. Three percent of full-time undergraduates were employed less than 10 hours per week, and 9 percent were employed 10 to 19 hours per week. In comparison, 1 percent of part-time students were employed less than 10 hours per week and 6 percent were employed 10 to 19 hours per week.⁸⁵

Foreign Country of Concern

Under Florida statute, a “foreign country of concern” means the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under significant control of such foreign country of concern.⁸⁶

Effect of Proposed Changes

The bill creates s. 1004.051, F.S., to prohibit a public postsecondary institution from implicitly or explicitly prohibiting applicants or currently enrolled students from being employed, either full time or part time, as a condition of admission to or enrollment in any of the institution’s schools, colleges, or programs.

⁸³ National Center for Education Statistics, *College Student Employment* (May 2022), [https://nces.ed.gov/programs/coe/indicator/ssa/college-student-employment#:~:text=Many%20undergraduate%20students%20ages%2016,time%20students%20\(40%20percent](https://nces.ed.gov/programs/coe/indicator/ssa/college-student-employment#:~:text=Many%20undergraduate%20students%20ages%2016,time%20students%20(40%20percent) (last visited Jan 26, 2024).

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Section 288.860(1)(a), F.S.

The prohibition on employment does not apply if the applicant or currently enrolled student is employed by an organization or agency that is affiliated or associated with a foreign country of concern.

Specialized Transfer Degrees

Present Situation

Florida's 28 state and community colleges offer a wide range of academic opportunities for students throughout the state. At Florida College System (FCS) institutions, students are able to complete degree programs including Bachelor of Science and Bachelor of Applied Science, Associate in Arts (AA), Associate in Science (AS), Associate in Applied Science (AAS), and career and technical certificate programs.⁸⁷

Associate in Arts Degree

The AA degree is designed for students who plan to transfer from an FCS institution to a baccalaureate degree program, either at an FCS or a state university system (SUS) institution.⁸⁸ The AA degree requirements consist of 60 total credit hours and include 36 credit hours of general education and 24 credit hours of electives.⁸⁹ Students should choose elective courses required for admission to their intended program of study or major at the desired college or university. The Common Prerequisites Manual⁹⁰ is a catalog of lower-level courses that are prerequisites for entrance into baccalaureate programs offered by FCS and SUS institutions. Students are encouraged to discuss their intended program of study with an academic advisor at their college to ensure they are meeting all requirements to transfer upon completing their AA degree.⁹¹

A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.⁹²

General Education Core Courses

Students entering an FCS or SUS institution are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.⁹³

⁸⁷ DOE, Florida College System (FCS), *Academics*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/academics/> (last visited Jan. 21, 2024).

⁸⁸ *Id.*

⁸⁹ Section 1007.25(9), F.S.

⁹⁰ Florida Shines, *Common Prerequisites Manual*, <https://cpm.flvc.org/advance-search> (last visited Jan. 21, 2024).

⁹¹ DOE, FCS, *Academics*, <https://www.fldoe.org/schools/higher-ed/fl-college-system/academics/> (last visited Jan. 21, 2024).

⁹² Section 1007.25(10), F.S. and Board of Governors Regulation 6.017.

⁹³ Section 1007.25, F.S. Beginning with the 2022-2023 academic year, the general education core course requirement is extended to students in an Associate in Applied Science (AAS) and Associate in Science (AS) degree program.

General education core course options consist of a maximum of five courses in each identified subject area, but may exceed that limit with the approval of the SBE or the BOG. The general education core courses are established in SBE rule⁹⁴ and BOG regulation.⁹⁵

Transfer of General Education Courses

Each public postsecondary institution must accept transfer general education core courses taken at another institution. After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an AA or baccalaureate degree are at the discretion of the FCS or SUS institution.⁹⁶

General education programs in Florida, while consistent with the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses. Students who transfer with an AA or AS degree or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements. If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.⁹⁷

Articulation Coordinating Committee

The commissioner, in consultation with the Chancellor of the SUS, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies.⁹⁸ Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.⁹⁹ The Office of K-20 Articulation within the DOE provides administrative support to the ACC.¹⁰⁰

Statewide Articulation Agreements

Each state university board of trustees, FCS institution board of trustees, and district school board must plan and adopt policies and procedures to provide articulated programs so that students can proceed toward their educational objectives as rapidly as their circumstances permit.¹⁰¹

Statewide articulation agreements help facilitate the seamless transition of students across and among Florida's educational entities. These agreements are intended to be a minimum guarantee

⁹⁴ Rule 6A-14.0303, F.A.C.

⁹⁵ Board of Governors Regulation 8.005.

⁹⁶ *Id.* and r. 6A -14.0303(5), F.A.C.

⁹⁷ DOE, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>. See also r. 6A-10.024(2)(c), F.A.C.

⁹⁸ Section 1007.01(3), F.S.

⁹⁹ Section 1007.01(3)(a) and (b), F.S.

¹⁰⁰ Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

¹⁰¹ Rule 6A-10.024(1), F.A.C.

of articulated credit and do not preclude institutions from granting additional credit based on local agreements.¹⁰²

Effect of Proposed Changes

The bill amends s. 1007.25, F.S., to create a new Associates in Arts (AA) specialized transfer degree. The specialized transfer degrees are designed for FCS institution students who need supplemental lower-level coursework above the 60 credit hours of the traditional AA degree in preparation for transfer to a baccalaureate degree program. An AA specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit.

The bill requires the SBE to establish criteria for the review and approval of new specialized transfer degrees. The approval process must require:

- An FCS institution to submit a notice of its intent to propose a new AA specialized degree program to the Division of Florida Colleges. The notice must include the recommended credit hours, the rationale for the specialization, the demand for students entering the field, and the coursework being proposed to be included beyond the 60 semester hours required for the general transfer degree, if applicable. Notices of intent may be submitted by an FCS institution at any time.
- The Division of Florida Colleges to forward the notice of intent within 10 business days after receipt to all FCS institutions and the Chancellor of the SUS, who must forward the notice to all state universities. State universities and FCS institutions have 60 days after receipt of the notice to submit comments to the proposed AA specialized transfer degree.
- After the submission of comments, the requesting FCS institution to submit a proposal that, at a minimum, includes:
 - Evidence that the coursework for the AA specialized transfer degree includes demonstration of competency in a foreign language¹⁰³ and demonstration of civic literacy competency.¹⁰⁴
 - Demonstration that all required coursework will count toward the AA degree or the baccalaureate degree.
 - An analysis of demand and unmet need for students entering the specialized field of study at the baccalaureate level.
 - Justification for the program length if it exceeds 60 credit hours, including references to the Common Prerequisite Manual or other requirements for the baccalaureate degree. This includes documentation of alignment between the exit requirements of an FCS institution and the admissions requirements of a baccalaureate program at a state university to which students would typically transfer.
 - Articulation agreements for graduates of the AA specialized transfer degree.
 - Responses to the comments received.

The Division of Florida Colleges must review the proposal and, within 30 days after receipt, provide written notification to the FCS institution of any deficiencies and provide the institution

¹⁰² DOE, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 20-21, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>. See also r. 6A-10.024(2)(c), F.A.C.

¹⁰³ Section 1007.262, F.S.

with an opportunity to correct the deficiencies. Within 45 days after receipt of a completed proposal by the Division of Florida Colleges, the commissioner must recommend approval or disapproval of the new specialized transfer degree to the SBE. The SBE must consider the recommendation at its next meeting.

Upon approval of an AA specialized transfer degree by the SBE, an FCS institution may offer the degree and must report data on student and program performance in a manner prescribed by the DOE.

The bill requires the SBE to adopt rules to prescribe format and content requirements and submission procedures for notices of intent, proposals, and compliance reviews for the AA specialized transfer degree.

Florida College System Institution Employment Equity Plan

Each Florida College System (FCS) institution is required to include in its annual equity update, a plan for increasing the representation of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status.¹⁰⁵ The plan is required to include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the Department of Education.¹⁰⁶ The goals and objectives are based on meeting or exceeding comparable national standards and are reviewed and recommended by the State Board of Education as appropriate. The plans must be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.¹⁰⁷

The plan must show the following information for certain positions including, but not limited to:¹⁰⁸

- Job classification title.
- Gender.
- Ethnicity.
- Appointment status.
- Salary information. At each Florida College System institution, salary information shall also include the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.
- Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the Florida College System institution by race, gender, and salary range compared to the number of new hires.
- A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.

¹⁰⁵ Section 1012.86(1), F.S.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ Section 1012.86(2)(b), F.S.

Florida's K-12 public institutions and institutions within the state university system are not required to complete a similar report.

Effect of Proposed Changes

The bill repeals s. 1012.86, F.S., to delete the requirement of the FCS Institution Employment Equity Accountability Program.

Residency Status for Tuition Purposes

Present Situation

Students must be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers, career centers operated by school districts, Florida College System (FCS) institutions, and state universities. Students pay differing tuition rates based on their status as a resident or nonresident of Florida.¹⁰⁹

Specifically, to qualify as a resident for tuition purposes:¹¹⁰

- A person or, if that person is a dependent child, his or her parent or parents must have established legal residence in Florida and must have maintained legal residence for at least 12 consecutive months immediately prior to his or her initial enrollment in an institution of higher education.
- Every applicant for admission to an institution of higher education must make a statement as to his or her length of residence and establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in Florida currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile.

A person must show certain proof that he or she should be classified as a resident for tuition purposes and may not receive the in-state tuition rate until clear and convincing evidence related to legal residence and its duration has been provided. Each institution of higher education must make a residency determination that is documented by the submission of written or electronic verification that includes two or more specified documents that:

- Must include at least one of the following:¹¹¹
 - A Florida voter's registration card.
 - A Florida driver license.
 - A State of Florida identification card.
 - A Florida vehicle registration.
 - Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.
 - Proof of a homestead exemption in Florida.
 - Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.

¹⁰⁹ Section 1009.21, F.S.

¹¹⁰ Section 1009.21(2)(a), F.S.

¹¹¹ Section 1009.21(3)(c)1., F.S.

- Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.
- May include one or more of the following:¹¹²
 - A declaration of domicile in Florida.
 - A Florida professional or occupational license.
 - Florida incorporation.
 - A document evidencing family ties in Florida.
 - Proof of membership in a Florida-based charitable or professional organization.
 - Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

Effect of Proposed Changes

The bill amends s. 1009.21, F.S., to allow the use of an application for property tax exemption for homestead property that has been approved by a property appraiser, as a single, conclusive piece of evidence proving residency for tuition purposes. The property must have been continuously maintained as the primary residence for at least 12 months before the first day of the semester for which the resident status is being claimed in Florida.

Stanley G. Tate Florida Prepaid College Program

Present Situation

The Stanley G. Tate Florida Prepaid College Program (Prepaid Program) was created to assist families to prepay the future cost of college tuition through advance payment contracts (Prepaid Plans).¹¹³ At the time of purchase, Prepaid Plans guarantee the future payment of certain costs associated with attendance at a postsecondary institution.¹¹⁴ Additionally, the benefits, in some cases, can be utilized at in-state private institutions and at out-of-state public and private colleges and universities that are able to accept Title IV funding (i.e., federal student aid).¹¹⁵

The administration of the prepaid program is overseen by the Florida Prepaid College Board (board).¹¹⁶ In its role as the administrator of the trust fund, the board is responsible for managing it in a financially sound manner, ensuring stability based on actuarial principles.¹¹⁷ Over the past 30 years, the board has managed the largest and most successful prepaid program among similar initiatives enabling more than 561,000 students to attend college using the prepaid plans.¹¹⁸

The costs associated with attending a postsecondary institution encompass tuition and various fees designed to contribute to the overall operational expenses of the institution.¹¹⁹ One such fee,

¹¹² Section 1009.21(3)2., F.S.

¹¹³ Section 1009.98(1)-(2), F.S.

¹¹⁴ *Id.*

¹¹⁵ Section 1009.98(3), F.S.

¹¹⁶ Section 1009.971(1), F.S.

¹¹⁷ Section 1009.971(4)(f), F.S.

¹¹⁸ Florida Prepaid, *Our History*, <https://www.myfloridaprepaid.com/about-us/our-history/> (last visited Jan. 31, 2023).

¹¹⁹ Florida Prepaid, *All About Florida College and State University Fees*, <https://www.myfloridaprepaid.com/existing-customers/tuition-and-fees/> (last visited Jan. 31, 2024).

known as the tuition differential fee, is charged by 11 of the 12 state universities. The tuition differential fee is intended to promote improvements in the quality of undergraduate education and provide financial aid to undergraduate students who exhibit financial need.¹²⁰

By statute, for the 2012-2013 fiscal year, the base rate for the tuition differential fee was established at \$37.03 per credit hour.¹²¹ In subsequent years, the statute requires this base rate to be adjusted based on the amount assessed for the tuition differential in the preceding year. The adjustments are as follows:¹²²

- If the actuarial reserve¹²³ is less than 5 percent of the expected liabilities of the trust fund, the board pays the state universities 5.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board pays the state universities 6 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 6.5 percent above the base rate for the tuition differential fee in the preceding fiscal year.
- If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board pays the state universities 7 percent above the base rate for the tuition differential fee in the preceding fiscal year.

Qualified beneficiaries of Prepaid Plans purchased before July 1, 2007, are exempt from paying any tuition differential fee.¹²⁴

Effective with the 2009-2010 academic year and thereafter, in addition to the differential fees, other fees are paid by the board to any state university on behalf of a qualified beneficiary of the Prepaid Plan, whose contract was purchased before July 1, 2024. Among these fees are:

- Registration Fee:¹²⁵
 - If the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board will pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year.
 - If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year.

¹²⁰ Section 1009.24(16), F.S.; *see also* Final Master Contract, at s. 1.39 and State University System of Florida, *Tuition and Required Fees* (2023-2024), available at <https://www.flbog.edu/wp-content/uploads/2023/07/2023-2024-SUS-Tuition-and-Fees-Report-PDF-1.pdf>.

¹²¹ Section 1009.98(10)(b), F.S.

¹²² Section 1009.98(10)(b)2., F.S.

¹²³ Section 1009.98(10)(a)1. “Actuarial reserve” means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.

¹²⁴ Section 1009.98(10)(b)5., F.S.

¹²⁵ Section 1009.98(10)(b)1., F.S.

- If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.
- Local Fees: The board is required to pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.¹²⁶

Regardless of the specific amount assessed for registration fees, tuition differential, local fees, or dormitory fees, the board's payment to a state university on behalf of a qualified beneficiary, covered by a Prepaid Plan purchased before July 1, 2024, cannot exceed 100 percent of the total fees charged by the state university.¹²⁷ The board will pay state universities the actual amount assessed for the registration fees, the tuition differential, local fees and dormitory fees for Prepaid Plans purchased on or before July 1, 2024.¹²⁸

Regardless of credit hours used for fee assessment, the board's payment for Prepaid Plans purchased before July 1, 2024, cannot exceed the actual number of credit hours taken by the qualified beneficiary at the state university.¹²⁹

Effect of Proposed Changes

The bill amends s. 1009.98, F.S., to transition the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009-2010 to 2022-2023. Additionally, it extends the applicability of the contracts to those purchased before July 1, 2034.

The bill clarifies that the base rate is the amount assessed.

The bill also removes obsolete language in regards to the differential fee amount paid for the 2012-2013 fiscal year.

Education Practices Commission

Present Situation

The Department of Education's (DOE's) Office of Professional Practices Services (OPPS) investigates misconduct by educators who hold a Florida Educator Certificate or a valid application for a Florida Educator Certificate. The OPPS investigates when there are ultimate facts to support the educator has broken the law or violated the Principles of Professional Conduct.¹³⁰ These laws and rules outline the standards of conduct expected of certified educators in Florida.¹³¹

¹²⁶ Section 1009.98(10)(b)3., F.S.

¹²⁷ Section 1009.98(10)(c) and (d), F.S.

¹²⁸ Section 1009.98(10)(f), F.S.

¹²⁹ Section 1009.98(10)(e), F.S.

¹³⁰ Rule 6A-10.081, F.A.C. contains the Principles of Professional Conduct for the Education Profession in Florida.

¹³¹ DOE, *Role of Professional Practices Services*, <https://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (lasted visited Jan. 31, 2024).

Penalties against an educator's certificate are not issued by the Commissioner of Education (commissioner) or the DOE; penalties are issued by the Education Practices Commission (commission). The commission is a quasi-judicial body of peers, law enforcement, and lay persons set forth in statute¹³² that determines what penalty is issued in each case.¹³³

Currently, the commission must employ an executive director by a vote of three-fourths of the membership who is exempt from career service and may be dismissed by a majority vote of the membership. The commission is assigned to the DOE for administrative purposes and, in the performance of its powers and duties, must not be subject to control, supervision, or direction by the DOE.¹³⁴

The commission has the authority to make expenditures necessary to carry out its duties and responsibilities, including for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission are subject to the powers and duties of the Department of Financial Services.¹³⁵

Effect of Proposed Changes

The bill amends s. 1012.79, F.S., to authorize the commissioner to appoint and remove the executive director of the Education Practices Commission (commission). The bill also requires the commission to be assigned to the Department of Education for fiscal accountability purposes and that the commission may make expenditures on legal services.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹³² Section 1012.79, F.S.

¹³³ DOE, *Role of Professional Practices Services*, <https://www.fldoe.org/teaching/professional-practices/role-of-professional-practices-service.stml> (lasted visited Jan. 31, 2024).

¹³⁴ Section 1012.79(5)-(6)(a), F.S.

¹³⁵ Sections 17.03 and 1012.79(9), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 192.0105, 192.048, 196.082, 196.011, 1001.64, 1001.65, 1002.33, 1002.45, 1003.451, 1003.53, 1006.38, 1007.25, 1007.271, 1008.33, 1008.34, 1009.21, 1009.98 1012.79.

This bill creates sections 1003.052 and 1004.051 of the Florida Statutes.

This bill repeals section 1012.86 from the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by the Education Pre-K-12 Committee on January 29, 2024:

The committee substitute:

- Maintains the authority of school districts to operate “second chance schools.”
- Authorizes alternate methods of communicating to parents regarding placement into a dropout prevention and academic intervention program.
- Provides that, beginning in school year 2024-25, any changes made by the state board to components in the school grades model or to the school grading scale go into effect, at the earliest, in the following school year.

- Clarifies that it not necessary to make an annual application for exemption on property used to house a charter school.
- Provides students in grades 11 and 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) and consult with a military recruiter during the school day.
- Allows documentation of the homestead exemption as a single piece of evidence proving residency for tuition purposes.
- Repeals the Florida College System's employment equity and accountability program.
- Requires that dual enrollment articulation agreements include consideration of online courses.
- Transitions the effective period for the amount paid by the Florida Prepaid College Board to state universities on behalf of qualified beneficiaries of advance payment contracts within the Prepaid Florida Program from 2009 -2010 to 2022-2023.
- Creates a new Associates of Arts (AA) specialized transfer degree for students who need additional credit above the 60 hours in preparation for transfer to a baccalaureate degree program.

B. Amendments:

None.



276456

LEGISLATIVE ACTION

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|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 01/31/2024 | . | |
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The Committee on Education Pre-K -12 (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (f) of subsection (1) and paragraphs
(b) and (c) of subsection (2) of section 192.0105, Florida
Statutes, are amended to read:

192.0105 Taxpayer rights.—There is created a Florida
Taxpayer's Bill of Rights for property taxes and assessments to
guarantee that the rights, privacy, and property of the



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taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(f) The right of an exemption recipient to be sent a renewal application for that exemption, the right to a receipt for homestead exemption claim when filed, and the right to notice of denial of the exemption (see ss. 196.011(7) ~~196.011(6)~~, 196.131(1), 196.151, and 196.193(1)(c) and (5)).

Notwithstanding the right to information contained in this subsection, under s. 197.122 property owners are held to know that property taxes are due and payable annually and are charged with a duty to ascertain the amount of current and delinquent taxes and obtain the necessary information from the applicable governmental officials.



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(2) THE RIGHT TO DUE PROCESS.—

(b) The right to petition the value adjustment board over objections to assessments, denial of exemption, denial of agricultural classification, denial of historic classification, denial of high-water recharge classification, disapproval of tax deferral, and any penalties on deferred taxes imposed for incorrect information willfully filed. Payment of estimated taxes does not preclude the right of the taxpayer to challenge his or her assessment (see ss. 194.011(3), 196.011(7) and (10)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7), 193.625(2), 197.2425, 197.301(2), and 197.2301(11) ss. ~~194.011(3), 196.011(6) and (9)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7), 193.625(2), 197.2425, 197.301(2), and 197.2301(11))~~).

(c) The right to file a petition for exemption or agricultural classification with the value adjustment board when an application deadline is missed, upon demonstration of particular extenuating circumstances for filing late (see ss. 193.461(3)(a) and 196.011(1), (8), (9), and (10)(e) ss. ~~193.461(3)(a) and 196.011(1), (7), (8), and (9)(e)~~).

Section 2. Paragraphs (b), (c), and (d) of subsection (1) of section 192.048, Florida Statutes, are amended to read:

192.048 Electronic transmission.—

(1) Subject to subsection (2), the following documents may be transmitted electronically rather than by regular mail:

(b) The tax exemption renewal application required under s. 196.011(7)(a) ~~s. 196.011(6)(a)~~.

(c) The tax exemption renewal application required under s. 196.011(7)(b) ~~s. 196.011(6)(b)~~.



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(d) A notification of an intent to deny a tax exemption required under s. 196.011(10)(e) ~~s. 196.011(9)(e)~~.

Section 3. Subsections (3) and (4) of section 196.082, Florida Statutes, are amended to read:

196.082 Discounts for disabled veterans; surviving spouse carryover.—

(3) If the partially or totally and permanently disabled veteran predeceases his or her spouse and if, upon the death of the veteran, the spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the discount from ad valorem tax that the veteran received carries over to the benefit of the veteran's spouse until such time as he or she remarries or sells or otherwise disposes of the property. If the spouse sells or otherwise disposes of the property, a discount not to exceed the dollar amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence, as long as it is used as his or her primary residence and he or she does not remarry. An applicant who is qualified to receive a discount under this section and who fails to file an application by March 1 may file an application for the discount and may file a petition pursuant to s. 194.011(3) with the value adjustment board requesting that the discount be granted. Such application and petition shall be subject to the same procedures as for exemptions set forth in s. 196.011(9) ~~s. 196.011(8)~~.

(4) To qualify for the discount granted under this section, an applicant must submit to the county property appraiser by March 1:

(a) An official letter from the United States Department of



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Veterans Affairs which states the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;

(b) A copy of the veteran's honorable discharge; and

(c) Proof of age as of January 1 of the year to which the discount will apply.

Any applicant who is qualified to receive a discount under this section and who fails to file an application by March 1 may file an application for the discount and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the discount be granted. Such application and petition shall be subject to the same procedures as for exemptions set forth in s. 196.011(9) ~~s. 196.011(8)~~.

Section 4. Present subsections (5) through (12) of section 196.011, Florida Statutes, are redesignated as subsections (6) through (13), respectively, a new subsection (5) is added to that section, and subsection (1) and present subsections (10) and (11) of that section are amended, to read:

196.011 Annual application required for exemption.—

(1)(a) Except as provided in s. 196.081(1)(b), every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made.



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Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (9) ~~(8)~~.

(b) The form to apply for an exemption under s. 196.031, s. 196.081, s. 196.091, s. 196.101, s. 196.102, s. 196.173, or s. 196.202 must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (9) ~~(8)~~.

(5) It is not necessary to make annual application for exemption on property used to house a charter school pursuant to s. 196.1983. The owner or lessee of any property used to house a charter school pursuant to s. 196.1983 who is not required to file an annual application shall notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes so as to change the exempt status of the property. If any owner or lessee fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner or lessee was not entitled to receive such exemption, the owner or lessee of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a



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penalty of 50 percent of the taxes exempted. The property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person or entity who illegally or improperly received the exemption. If such person or entity no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser shall record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

~~(11)~~ ~~(10)~~ At the option of the property appraiser and notwithstanding any other provision of this section, initial or original applications for homestead exemption for the succeeding year may be accepted and granted after March 1. Reapplication on a short form as authorized by subsection (6) ~~(5)~~ shall be required if the county has not waived the requirement of an annual application. Once the initial or original application and reapplication have been granted, the property may qualify for the exemption in each succeeding year pursuant to the provisions of subsection (7) ~~(6)~~ or subsection (10) ~~(9)~~.

~~(12)~~ ~~(11)~~ For exemptions enumerated in paragraph (1) (b), social security numbers of the applicant and the applicant's spouse, if any, are required and must be submitted to the department. Applications filed pursuant to subsection (6) ~~(5)~~ or



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subsection (7) ~~(6)~~ shall include social security numbers of the applicant and the applicant's spouse, if any. For counties where the annual application requirement has been waived, property appraisers may require refiling of an application to obtain such information.

Section 5. Paragraph (a) of subsection (24) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

(a) This subsection applies to charter school personnel in a charter school operated by a private entity. As used in this subsection, the term:

1. "Charter school personnel" means a ~~charter school owner,~~ president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.

2. "Relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half



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sister.

Charter school personnel in schools operated by a municipality or other public entity are subject to s. 112.3135.

Section 6. Paragraph (b) of subsection (5) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in the school district's virtual instruction program authorized pursuant to paragraph (1)(c) must:

(b) Take statewide assessments pursuant to s. 1008.22 and participate in the coordinated screening and progress monitoring system under s. 1008.25(9). Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract under in accordance with s. 1008.24(3). If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities. It is the responsibility of the approved virtual instruction program provider or virtual charter school to provide a list of students to be administered statewide assessments and progress monitoring to the school district, including the students' names, Florida Education Identifiers, grade levels, assessments and progress monitoring to be administered, and contact information. Unless an alternative testing site is mutually agreed to by the approved virtual instruction program provider or virtual charter school and the school district, or as specified in the contract under s. 1008.24, all assessments and progress monitoring must



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be taken at the school to which the student would be assigned according to district school board attendance policies. A school district must provide the student with access to the school's or district's testing facilities and provide the student with the date and time of the administration of each assessment and progress monitoring.

Section 7. Section 1003.052, Florida Statutes, is created to read:

1003.052 The Purple Star School District Program.—

(1)(a) The Department of Education shall establish the Purple Star School District Program. At a minimum, the program must require a participating school district to:

1. Have at least 75 percent of the schools within the district be designated as Purple Star Campuses under s. 1003.051.

2. Maintain a web page on the district's website which includes resources for military students and their families and a link to each Purple Star Campus's web page that meets the requirements of s. 1003.051(2)(a)2.

(b) The department may establish additional program criteria to identify school districts that demonstrate a commitment to or provide critical coordination of services for military students and their families, including, but not limited to, establishing a council consisting of a representative from each Purple Star Campus in the district and one district-level representative to ensure the alignment of military student-focused policies and procedures within the district.

(2) The State Board of Education may adopt rules to administer this section.



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Section 8. Present subsection (4) of section 1003.451, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

1003.451 Junior Reserve Officers' Training Corps; military recruiters; access to public school campuses; Armed Services Vocational Aptitude Battery (ASVAB).—

(4) Each school district and charter school shall provide students in grades 11 and 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) and consult with a military recruiter if the student selects. To optimize student participation, the ASVAB must be scheduled during normal school hours.

Section 9. Paragraphs (a) and (c) of subsection (1), paragraph (a) of subsection (2), and subsections (3) through (7) of section 1003.53, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

1003.53 Dropout prevention and academic intervention.—

(1)(a) Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline. Student participation in such programs shall be voluntary. District school boards may,



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however, assign students to a disciplinary program for disruptive students or an alternative school setting or other program pursuant to s. 1006.13. Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services ~~funded~~ through the dropout prevention and academic intervention program based solely on the student being from a single-parent family or having a disability.

(c) A student shall be identified as being eligible to receive services ~~funded~~ through the dropout prevention and academic intervention program based upon one of the following criteria:

1. The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district achievement levels in reading, mathematics, or writing.

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

3. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or



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out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

4. The student is identified by a school's early warning system pursuant to s. 1001.42(18)(b).

(2)(a) Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, junior high school, or high school level. Programs designed to eliminate patterns of excessive absenteeism or habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of career education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods and student services that lead to improved student behavior as appropriate to the specific needs of the student.

(c) For each student enrolled in a dropout prevention and academic intervention program, an academic intervention plan shall be developed to address eligibility for placement in the program and to provide individualized student goals and progress monitoring procedures. A student's academic intervention plan must be consistent with the student's individual education plan (IEP).

(3) Each district school board providing ~~receiving state funding for~~ dropout prevention and academic intervention programs ~~through the General Appropriations Act~~ shall submit information through an annual report to the Department of Education's database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout



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rate, attendance rate, and retention/promotion rate. The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(4) Each district school board shall establish course standards, as defined by rule of the State Board of Education, for dropout prevention and academic intervention programs and procedures for ensuring that teachers assigned to the programs are certified pursuant to s. 1012.55 and possess the affective, pedagogical, and content-related skills necessary to meet the needs of these students.

(5) Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student's parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice. District school boards may adopt a policy that allows a parent to agree to an alternative method of notification. Such agreement may be made before the need for



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notification arises or at the time the notification becomes
required. The parents of a student assigned to such a dropout
prevention and academic intervention program shall be notified
in writing and entitled to an administrative review of any
action by school personnel relating to such placement pursuant
to ~~the provisions of~~ chapter 120.

(6) District school board dropout prevention and academic
intervention programs shall be coordinated with social service,
law enforcement, prosecutorial, and juvenile justice agencies
and juvenile assessment centers in the school district.
Notwithstanding ~~the provisions of~~ s. 1002.22, these agencies are
authorized to exchange information contained in student records
and juvenile justice records. Such information is confidential
and exempt from ~~the provisions of~~ s. 119.07(1). District school
boards and other agencies receiving such information shall use
the information only for official purposes connected with the
certification of students for admission to and for the
administration of the dropout prevention and academic
intervention program, and shall maintain the confidentiality of
such information unless otherwise provided by law or rule.

(7) The State Board of Education shall have the authority
pursuant to ss. 120.536(1) and 120.54 to adopt rules necessary
to implement ~~the provisions of~~ this section; such rules shall
require the minimum amount of necessary paperwork and reporting.

Section 10. Section 1004.051, Florida Statutes, is created
to read:

1004.051 Regulation of working students.—

(1) A public postsecondary institution may not, as a
condition of admission to or enrollment in any of the



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institution's schools, colleges, or programs, implicitly or explicitly prohibit an applicant or currently enrolled student from being employed, either full time or part time.

(2) This section does not apply if the applicant or currently enrolled student is employed by an organization or agency that is affiliated or associated with a foreign country of concern as defined in s. 288.860(1).

Section 11. Present subsections (3) through (16) of section 1006.38, Florida Statutes, are redesignated as subsections (4) through (17), respectively, a new subsection (3) is added to that section, and present subsections (14) and (16) of that section are amended, to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—This section applies to both the state and district approval processes. Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) For each adoption cycle, make sample copies of all instructional materials on the commissioner's list of state-adopted instructional materials available electronically for use by educator preparation institutes as defined in s. 1004.85(1) to enable educators to practice teaching with currently adopted instructional materials aligned to state academic standards.

(15) ~~(14)~~ Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (17) ~~(16)~~, the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely



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representing genuine authorship.

~~(17)(16)~~ Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections ~~(5) and (6)~~ and (7) and in the amount of three times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (8) ~~(7)~~.

Section 12. Subsections (9) and (12) of section 1007.25, Florida Statutes, are amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(9) (a) An associate in arts degree must ~~shall~~ require no more than 60 semester hours of college credit and include 36 semester hours of general education coursework. Beginning with students initially entering a Florida College System institution or state university in the 2014-2015 academic year and thereafter, coursework for an associate in arts degree must ~~shall~~ include demonstration of competency in a foreign language pursuant to s. 1007.262. Except for developmental education required pursuant to s. 1008.30, all required coursework must ~~shall~~ count toward the associate in arts degree or the baccalaureate degree.

(b) An associate in arts specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit. Specialized transfer degrees are designed for Florida College System institution students who need supplemental lower-level



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coursework in preparation for transfer to another institution.
The State Board of Education shall establish criteria for the
review and approval of new specialized transfer degrees. The
approval process must require:

1. A Florida College System institution to submit a notice
of its intent to propose a new associate in arts specialized
degree program to the Division of Florida Colleges. The notice
must include the recommended credit hours, the rationale for the
specialization, the demand for students entering the field, and
the coursework being proposed to be included beyond the 60
semester hours required for the general transfer degree, if
applicable. Notices of intent may be submitted by a Florida
College System institution at any time.

2. The Division of Florida Colleges to forward the notice
of intent within 10 business days after receipt to all Florida
College System institutions and to the Chancellor of the State
University System, who shall forward the notice to all state
universities. State universities and Florida College System
institutions shall have 60 days after receipt of the notice to
submit comments to the proposed associate in arts specialized
transfer degree.

3. After the submission of comments pursuant to
subparagraph 2., the requesting Florida College System
institution to submit a proposal that, at a minimum, includes:

a. Evidence that the coursework for the associate in arts
specialized transfer degree includes demonstration of competency
in a foreign language pursuant to s. 1007.262 and demonstration
of civic literacy competency as provided in subsection (5).

b. Demonstration that all required coursework will count



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toward the associate in arts degree or the baccalaureate degree.

c. An analysis of demand and unmet need for students entering the specialized field of study at the baccalaureate level.

d. Justification for the program length if it exceeds 60 credit hours, including references to the common prerequisite manual or other requirements for the baccalaureate degree. This includes documentation of alignment between the exit requirements of a Florida College System institution and the admissions requirements of a baccalaureate program at a state university to which students would typically transfer.

e. Articulation agreements for graduates of the associate in arts specialized transfer degree.

f. Responses to the comments received under subparagraph 2.

(c) The Division of Florida Colleges shall review the proposal and, within 30 days after receipt, shall provide written notification to the Florida College System institution of any deficiencies and provide the institution with an opportunity to correct the deficiencies. Within 45 days after receipt of a completed proposal by the Division of Florida Colleges, the Commissioner of Education shall recommend approval or disapproval of the new specialized transfer degree to the State Board of Education. The State Board of Education shall consider the recommendation at its next meeting.

(d) Upon approval of an associate in arts specialized transfer degree by the State Board of Education, a Florida College System institution may offer the degree and shall report data on student and program performance in a manner prescribed by the Department of Education.



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(e) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to prescribe format and content requirements and submission procedures for notices of intent, proposals, and compliance reviews under this subsection.

(12) A student who received an associate in arts degree ~~for successfully completing 60 semester credit hours~~ may continue to earn additional credits at a Florida College System institution. The university must provide credit toward the student's baccalaureate degree for an additional Florida College System institution course if, according to the statewide course numbering, the Florida College System institution course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree must ~~shall~~ be achievable through courses designated as lower division, except in degree programs approved by the State Board of Education for programs offered by Florida College System institutions and by the Board of Governors for programs offered by state universities.

Section 13. Subsection (4) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(4) (a) District school boards may not refuse to enter into a dual enrollment articulation agreement with a local Florida College System institution if that Florida College System institution has the capacity to offer dual enrollment courses.

(b) District school boards must make reasonable efforts to enter into dual enrollment articulation agreements with a Florida College System institution that offers online dual



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enrollment courses.

Section 14. Subsections (4) and (5) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(4) (a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns a grade of "D," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3) (c). For a school that initially earns a grade of "F" or a second consecutive grade of "D," the school district must either continue implementing or immediately begin implementing intervention and support strategies prescribed in rule under paragraph (3) (c) and for the 2024-2025 school year provide the department, by September 1, with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. For the 2025-2026 school year and thereafter, the school district must provide the department, by August 1, with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and a district-managed turnaround plan for approval by the state board. The plan must include measurable academic benchmarks that put the school on a path to earning and maintaining a grade of "C" or higher ~~The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, a combination of an extended school day and a summer program, or any other option authorized under paragraph (b) for state board~~



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~~approval. A school district is not required to wait until a~~
~~school earns a second consecutive grade of "D" to submit a~~
~~turnaround plan for approval by the state board under this~~
~~paragraph.~~ Upon approval by the state board, the school district
must implement the plan for the remainder of the school year and
continue the plan for 1 full school year. The state board may
allow a school an additional year of implementation before the
school must implement a turnaround option required under
paragraph (b) if it determines that the school is likely to
improve to a grade of "C" or higher after the first full school
year of implementation.

(b) Unless an additional year of implementation is provided
pursuant to paragraph (a), a school that completes a plan cycle
under paragraph (a) and does not improve to a grade of "C" or
higher must ~~implement one of the following:~~

1. Reassign students to another school and monitor the
progress of each reassigned student;

2. Close the school and reopen the school as one or more
charter schools, each with a governing board that has a
demonstrated record of effectiveness. Upon reopening as a
charter school:

a. The school district shall continue to operate the school
for the following school year and, no later than October 1,
execute a charter school turnaround contract that will allow the
charter school an opportunity to conduct an evaluation of the
educational program and personnel currently assigned to the
school during the year in preparation for assuming full
operational control of the school and facility by July 1. The
school district may not reduce or remove resources from the



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school during this time.

b. The charter school operator must provide enrollment preference to students currently attending or who would have otherwise attended or been zoned for the school. The school district shall consult and negotiate with the charter school every 3 years to determine whether realignment of the attendance zone is appropriate to ensure that students residing closest to the school are provided with an enrollment preference.

c. The charter school operator must serve the existing grade levels served by the school at its current enrollment or higher, but may, at its discretion, serve additional grade levels.

d. The school district may not charge rental or leasing fees for the existing facility or for the property normally inventoried to the school. The school and the school district shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to all other school facilities in the school district.

e. The school district may not withhold an administrative fee for the provision of services identified in s. 1002.33(20)(a); or

3. Contract with an outside entity that has a demonstrated record of effectiveness to provide turnaround services identified in state board rule, which may include school leadership, educational modalities, teacher and leadership professional development, curriculum, operation and management services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof. Selection of an outside entity may include



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one or a combination of the following:

a. An external operator, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more schools under this section.

A school district and outside entity under this subparagraph must enter, at minimum, a 2-year, performance-based contract. The contract must include school performance and growth metrics the outside entity must meet on an annual basis. The state board may require the school district to modify or cancel the contract.

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher, unless the school district has already executed a charter school turnaround contract pursuant to this section.

(d) If a school earning two consecutive grades of "D" or a grade of "F" does not improve to a grade of "C" or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless



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the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

(5) The state board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The rules shall include timelines for submission of implementation plans, approval criteria for implementation plans, ~~and~~ timelines for implementing intervention and support strategies, a standard charter school turnaround contract, a standard facility lease, and a mutual management agreement. The state board shall consult with education stakeholders in developing the rules.

Section 15. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, are amended to read:

1008.34 School grading system; school report cards; district grade.—

(3) DESIGNATION OF SCHOOL GRADES.—

(c)1. The calculation of a school grade shall be based on the percentage of points earned from the components listed in subparagraph (b)1. and, if applicable, subparagraph (b)2. The State Board of Education shall adopt in rule a school grading scale that sets the percentage of points needed to earn each of the school grades listed in subsection (2). There shall be at least five percentage points separating the percentage thresholds needed to earn each of the school grades. The state board shall annually review the percentage of school grades of "A" and "B" for the school year to determine whether to adjust the school grading scale upward for the following school year's school grades. The first adjustment would occur no earlier than the 2023-2024 school year. An adjustment must be made if the



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percentage of schools earning a grade of "A" or "B" in the current year represents 75 percent or more of all graded schools within a particular school type, which consists of elementary, middle, high, and combination. The adjustment must reset the minimum required percentage of points for each grade of "A," "B," "C," or "D" at the next highest percentage ending in the numeral 5 or 0, whichever is closest to the current percentage. Annual reviews of the percentage of schools earning a grade of "A" or "B" and adjustments to the required points must be suspended when the following grading scale for a specific school type is achieved:

- a. Ninety percent or more of the points for a grade of "A."
- b. Eighty to eighty-nine percent of the points for a grade of "B."
- c. Seventy to seventy-nine percent of the points for a grade of "C."
- d. Sixty to sixty-nine percent of the points for a grade of "D."

When the state board adjusts the grading scale upward, the state board must inform the public of the degree of the adjustment and its anticipated impact on school grades. Beginning in the 2024-2025 school year, any changes made by the state board to components in the school grades model or to the school grading scale shall go into effect, at the earliest, in the following school year.

2. The calculation of school grades may not include any provision that would raise or lower the school's grade beyond the percentage of points earned. Extra weight may not be added



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in the calculation of any components.

Section 16. Paragraph (c) of subsection (3) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(3)

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph, unless the document provided is the document described in sub-subparagraph 1.f., which is deemed a single, conclusive piece of evidence proving residency. ~~No single piece of evidence shall be conclusive.~~

1. The documents must include at least one of the following:

- a. A Florida voter's registration card.
- b. A Florida driver license.
- c. A State of Florida identification card.
- d. A Florida vehicle registration.
- e. Proof of a permanent home in Florida which is occupied



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as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. An application for property tax exemption for homestead property that has been approved by a property appraiser, provided that such property has been continuously maintained as the primary residence for at least 12 months before the first day of the semester for which the resident status is being claimed ~~Proof of a homestead exemption in Florida.~~

g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.

h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:

a. A declaration of domicile in Florida.

b. A Florida professional or occupational license.

c. Florida incorporation.

d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

Section 17. Paragraphs (a) through (f) of subsection (10) of section 1009.98, Florida Statutes, are amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—



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(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

(a) As used in this subsection, the term:

1. "Actuarial reserve" means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.

2. "Dormitory fees" means the fees included under advance payment contracts pursuant to paragraph (2)(d).

3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.

4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2)(b)2.

5. "Tuition differential" means the fee covered by advance payment contracts sold pursuant to subparagraph (2)(b)3. ~~The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at \$37.03 per credit hour. The base rate for the tuition differential in subsequent years is the amount assessed for the tuition differential for the preceding year adjusted pursuant to subparagraph (b)2.~~

(b) Effective with the 2022-2023 ~~2009-2010~~ academic year and thereafter, and notwithstanding s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, 2034 ~~2024~~, shall be:

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board



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shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year.



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3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.

4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory fees in the preceding fiscal year.

5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.

(c) Notwithstanding the amount assessed for registration fees, the tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount charged by the state university for the aggregate sum of those fees.

(d) Notwithstanding the amount assessed for dormitory fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount charged by the state university for dormitory fees.

(e) Notwithstanding the number of credit hours used by a state university to assess the amount for registration fees, tuition, tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed the number of credit hours taken by that qualified beneficiary at the state university.



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(f) The board shall pay state universities the actual amount assessed in accordance with law for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, 2034 ~~July 1, 2024~~.

Section 18. Subsection (5), paragraph (a) of subsection (6), and subsection (9) of section 1012.79, Florida Statutes, are amended to read:

1012.79 Education Practices Commission; organization.—

(5) The Commissioner of Education may, at his or her discretion, appoint and remove ~~commission, by a vote of three-fourths of the membership, shall employ~~ an executive director, who shall be exempt from career service. ~~The executive director may be dismissed by a majority vote of the membership.~~

(6) (a) The commission shall be assigned to the Department of Education for administrative and fiscal accountability purposes. The commission, in the performance of its powers and duties, may ~~shall~~ not be subject to control, supervision, or direction by the Department of Education.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, legal services ~~general counsel or access to counsel~~, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Financial Services as provided in s. 17.03.

Section 19. Section 1012.86, Florida Statutes, is repealed.



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Section 20. Subsection (19) of section 1001.64, Florida Statutes, is amended to read:

1001.64 Florida College System institution boards of trustees; powers and duties.—

(19) Each board of trustees shall appoint, suspend, or remove the president of the Florida College System institution. The board of trustees may appoint a search committee. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and objectives ~~established in the Florida College System institution's employment accountability program implemented pursuant to s. 1012.86.~~

Section 21. Subsection (22) of section 1001.65, Florida Statutes, is amended to read:

1001.65 Florida College System institution presidents; powers and duties.—The president is the chief executive officer of the Florida College System institution, shall be corporate secretary of the Florida College System institution board of trustees, and is responsible for the operation and administration of the Florida College System institution. Each Florida College System institution president shall:

~~(22) Submit an annual employment accountability plan to the Department of Education pursuant to the provisions of s. 1012.86.~~

Section 22. This act shall take effect July 1, 2024.



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

And the title is amended as follows:

 Delete everything before the enacting clause
and insert:

 A bill to be entitled
An act relating to education; amending ss. 192.0105,
192.048, and 196.082, F.S.; conforming cross-
references; amending s. 196.011, F.S.; providing that
an annual application for exemption on property used
to house a charter school is not required; requiring
the owner or lessee of such property to notify the
property appraiser in specified circumstances;
providing penalties; amending s. 1002.33, F.S.;
revising the definition of the term "charter school
personnel"; amending s. 1002.45 providing
responsibilities for approved virtual instruction
program providers, virtual charter schools, and school
districts relating to statewide assessments and
progress monitoring for certain students; creating s.
1003.052, F.S.; establishing the Purple Star School
District Program; providing requirements for such
program; authorizing the Department of Education to
establish additional program criteria; authorizing the
State Board of Education to adopt rules; amending s.
1003.451, F.S.; requiring school districts and charter
schools to provide certain students with an
opportunity to take the Armed Services Vocational
Aptitude Battery and consult with a military
recruiter; providing requirements for the scheduling



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of such test; amending s. 1003.53, F.S.; revising requirements for the assignment of students to disciplinary programs and alternative school settings or other programs; revising requirements for dropout prevention and academic intervention programs; requiring such programs to include academic intervention plans for students; providing requirements for such plans; providing that specified provisions apply to all dropout prevention and academic intervention programs; requiring school principals or their designees to make a reasonable effort to notify parents by specified means and to document such effort; creating s. 1004.051, F.S.; prohibiting a public postsecondary institution from implicitly or explicitly prohibiting specified students from being employed; providing applicability; amending s. 1006.38, F.S.; requiring instructional materials publishers and manufacturers or their representatives to make sample copies of specified instructional materials available electronically for use by certain institutes for a specified purpose; amending s. 1007.25, F.S.; creating associate in arts specialized transfer degrees; providing requirements for such degrees; providing a process for the approval of such degree programs; requiring the state board to adopt specified rules; amending s. 1007.271, F.S.; requiring district school boards to make reasonable efforts to enter into specified agreements with a Florida College System institution for certain online



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997 courses; amending s. 1008.33, F.S.; revising the date
998 by which a memorandum of understanding relating to
999 schools in turnaround status must be provided to the
1000 department; revising requirements for district-managed
1001 turnaround plans; providing requirements for
1002 turnaround schools that close and reopen as charter
1003 schools and school districts in which such schools
1004 reside; providing that specified provisions do not
1005 apply to certain turnaround schools; requiring the
1006 State Board of Education to adopt rules for a charter
1007 school turnaround contract and specified leases and
1008 agreements; amending s. 1008.34, F.S.; requiring that
1009 any changes made by the state board to components in
1010 the school grades model or the school grading scale
1011 shall go into effect, at the earliest, the following
1012 school year; amending s. 1009.21, F.S.; providing an
1013 additional method for a student to prove residency for
1014 tuition purposes; providing that such method is deemed
1015 a single, conclusive piece of evidence proving
1016 residency; amending s. 1009.98, F.S.; revising the
1017 definition of the term "tuition differential";
1018 revising provisions relating to payments the Florida
1019 Prepaid College Board must pay to state universities
1020 on behalf of beneficiaries of specified contracts;
1021 amending s. 1012.79, F.S.; authorizing the
1022 Commissioner of Education to appoint an executive
1023 director of the Education Practices Commission;
1024 revising the purpose of the commission; authorizing
1025 the commission to expend funds for legal services;



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1026 repealing s. 1012.86, F.S., relating to the Florida
1027 College System institution employment equity
1028 accountability program; amending ss. 1001.64 and
1029 1001.65, F.S.; conforming provisions to changes made
1030 by the act; providing an effective date.

By Senator Burgess

23-01125-24

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1 A bill to be entitled
 2 An act relating to education; amending s. 1002.45,
 3 F.S.; requiring virtual instruction program providers
 4 and virtual charter schools to provide specified
 5 information to school districts; providing
 6 requirements for testing site locations; requiring
 7 school districts to provide certain students with
 8 access to the district testing facility and certain
 9 information; creating s. 1003.052, F.S.; requiring the
 10 Department of Education to create the Purple Star
 11 School District program; providing program
 12 requirements; authorizing the department to establish
 13 additional criteria; authorizing the State Board of
 14 Education to adopt rules; amending s. 1003.53, F.S.;
 15 authorizing district school boards to assign certain
 16 students to an alternative-to-expulsion program;
 17 providing that student eligibility to receive certain
 18 services may not be based solely on a student's
 19 disability; deleting the definition of the term
 20 "second chance schools"; deleting provisions
 21 authorizing a district school board to open a second
 22 chance school; deleting provisions relating to second
 23 chance schools; requiring that an academic
 24 intervention plan be developed for students enrolled
 25 in dropout prevention and academic intervention
 26 programs; requiring a school principal to notify a
 27 parent or guardian in a specified manner regarding a
 28 student's placement in such a program; amending s.
 29 1006.38, F.S.; requiring publishers and manufacturers

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

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30 of instructional materials to make available,
 31 electronically and freely, sample copies of
 32 instructional materials for a specified purpose;
 33 amending s. 1008.33, F.S.; revising a timeframe for a
 34 school district to provide the Department of Education
 35 with a memorandum of understanding; revising
 36 requirements for a district-managed turnaround plan;
 37 requiring a school district to continue to operate a
 38 school that closes and reopens as a charter school for
 39 the following school year and to execute a charter
 40 school turnaround contract with specified provisions;
 41 prohibiting the school district from reducing or
 42 removing resources from such school during a certain
 43 timeframe; requiring a charter school operator to
 44 provide enrollment preference to certain students
 45 following a charter school turnaround; requiring the
 46 school district to consult and negotiate with the
 47 charter school every 3 years regarding the attendance
 48 zone; requiring the charter school operator to serve
 49 the existing grade levels served by the school;
 50 prohibiting the school district from charging a rental
 51 or leasing fee; prohibiting the school district from
 52 withholding an administrative fee for certain
 53 services; requiring the State Board of Education to
 54 adopt rules relating to specified timelines; making
 55 technical changes; amending s. 1012.79, F.S.;
 56 authorizing the Commissioner of Education to appoint
 57 and remove an executive director of the Education
 58 Practices Commission; making technical changes;

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amending ss. 1002.33, 1002.332, 1002.333, 1008.34, and
1011.62, F.S.; conforming cross-references; providing
an effective date.

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

Section 1. Paragraph (b) of subsection (5) of section
1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

(5) STUDENT PARTICIPATION REQUIREMENTS.—Each student
enrolled in the school district's virtual instruction program
authorized pursuant to paragraph (1)(c) must:

(b) Take statewide assessments pursuant to s. 1008.22 and
participate in the coordinated screening and progress monitoring
system under s. 1008.25(9). Statewide assessments and progress
monitoring may be administered within the school district in
which such student resides, or as specified in the contract in
accordance with s. 1008.24(3). If requested by the approved
virtual instruction program provider or virtual charter school,
the district of residence must provide the student with access
to the district's testing facilities.

1. The virtual instruction program provider or virtual
charter school shall provide to the school district a list of
students to be tested, which includes student names, Florida
Education Identifiers, grade levels, assessments to be
administered, and contact information.

2. Unless an alternative testing site is mutually agreed to
by the virtual instruction program provider or virtual charter
school and the school district, or as contracted under s.

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1008.24, all progress monitoring under s. 1008.25(9) and
statewide assessments must be taken at the school to which the
student would be assigned according to district school board
attendance areas.

3. A school district shall provide the student with access
to the school or district testing facilities and the date and
time of the administration of each statewide assessment.

Section 2. Section 1003.052, Florida Statutes, is created
to read:

1003.052 Purple Star School Districts.—

(1)(a) The Department of Education shall establish the
Purple Star School District program. At a minimum, the program
shall require a participating school district to:

1. Have at least 75 percent of the schools in the school
district designated as a Purple Star School of Distinction
according to s. 1003.051.

2. Maintain a web page on the school district's web site
which includes resources for military students and their
families and provides a link to each Purple Star School of
Distinction's military web page.

(b) The department may establish additional criteria to
identify school districts that demonstrate a commitment to or
provide critical coordination of services for military-connected
families, such as establishing a council consisting of a
representative from each Purple Star School of Distinction in
the school district and one school district-level representative
to ensure alignment of military student-focused policies and
procedures within the school district.

(2) The State Board of Education may adopt rules to

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117 implement this section.

118 Section 3. Paragraphs (a) and (d) of subsection (1),
119 paragraph (a) of subsection (2), and subsections (3), (4), and
120 (5) of section 1003.53, Florida Statutes, are amended, and
121 paragraph (c) is added to subsection (2) of that section, to
122 read:

123 1003.53 Dropout prevention and academic intervention.—

124 (1) (a) Dropout prevention and academic intervention
125 programs may differ from traditional educational programs and
126 schools in scheduling, administrative structure, philosophy,
127 curriculum, or setting and shall employ alternative teaching
128 methodologies, curricula, learning activities, and diagnostic
129 and assessment procedures in order to meet the needs, interests,
130 abilities, and talents of eligible students. The educational
131 program shall provide curricula, character development and law
132 education, and related services that support the program goals
133 and lead to improved performance in the areas of academic
134 achievement, attendance, and discipline. Student participation
135 in such programs is ~~shall be~~ voluntary. District school boards
136 may, however, assign students to a disciplinary program for
137 disruptive students or an alternative-to-expulsion program
138 pursuant to s. 1006.13. Notwithstanding any other ~~provision of~~
139 law to the contrary, a ~~no~~ student may not ~~shall~~ be identified as
140 ~~being~~ eligible to receive services funded through the dropout
141 prevention and academic intervention program based solely on the
142 student being from a single-parent family or based on a
143 disability.

144 ~~(d)1. "Second chance schools" means district school board~~
145 ~~programs provided through cooperative agreements between the~~

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146 ~~Department of Juvenile Justice, private providers, state or~~
147 ~~local law enforcement agencies, or other state agencies for~~
148 ~~students who have been disruptive or violent or who have~~
149 ~~committed serious offenses. As partnership programs, second~~
150 ~~chance schools are eligible for waivers by the Commissioner of~~
151 ~~Education from State Board of Education rules that prevent the~~
152 ~~provision of appropriate educational services to violent,~~
153 ~~severely disruptive, or delinquent students in small~~
154 ~~nontraditional settings or in court-adjudicated settings.~~

155 2. ~~District school boards seeking to enter into a~~
156 ~~partnership with a private entity or public entity to operate a~~
157 ~~second chance school for disruptive students may apply to the~~
158 ~~Department of Education for startup grants. These grants must be~~
159 ~~available for 1 year and must be used to offset the startup~~
160 ~~costs for implementing such programs off public school campuses.~~
161 ~~General operating funds must be generated through the~~
162 ~~appropriate programs of the Florida Education Finance Program.~~
163 ~~Grants approved under this program shall be for the full~~
164 ~~operation of the school by a private nonprofit or for-profit~~
165 ~~provider or the public entity. This program must operate under~~
166 ~~rules adopted by the State Board of Education and be implemented~~
167 ~~to the extent funded by the Legislature.~~

168 3. ~~A student enrolled in a sixth, seventh, eighth, ninth,~~
169 ~~or tenth grade class may be assigned to a second chance school~~
170 ~~if the student meets the following criteria:~~

171 a. ~~The student is a habitual truant as defined in s.~~
172 ~~1003.01.~~

173 b. ~~The student's excessive absences have detrimentally~~
174 ~~affected the student's academic progress and the student may~~

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175 have unique needs that a traditional school setting may not
176 meet.

177 ~~c. The student's high incidences of truancy have been~~
178 ~~directly linked to a lack of motivation.~~

179 ~~d. The student has been identified as at risk of dropping~~
180 ~~out of school.~~

181 ~~4. A student who is habitually truant may be assigned to a~~
182 ~~second chance school only if the case staffing committee,~~
183 ~~established pursuant to s. 984.12, determines that such~~
184 ~~placement could be beneficial to the student and the criteria~~
185 ~~included in subparagraph 3. are met.~~

186 ~~5. A student may be assigned to a second chance school if~~
187 ~~the district school board in which the student resides has a~~
188 ~~second chance school and if the student meets one of the~~
189 ~~following criteria:~~

190 ~~a. The student habitually exhibits disruptive behavior in~~
191 ~~violation of the code of student conduct adopted by the district~~
192 ~~school board.~~

193 ~~b. The student interferes with the student's own learning~~
194 ~~or the educational process of others and requires attention and~~
195 ~~assistance beyond that which the traditional program can~~
196 ~~provide, or, while the student is under the jurisdiction of the~~
197 ~~school either in or out of the classroom, frequent conflicts of~~
198 ~~a disruptive nature occur.~~

199 ~~c. The student has committed a serious offense which~~
200 ~~warrants suspension or expulsion from school according to the~~
201 ~~district school board's code of student conduct. For the~~
202 ~~purposes of this program, "serious offense" is behavior which:~~

203 ~~(i) Threatens the general welfare of students or others~~

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204 ~~with whom the student comes into contact;~~

205 ~~(II) Includes violence;~~

206 ~~(III) Includes possession of weapons or drugs; or~~

207 ~~(IV) Is harassment or verbal abuse of school personnel or~~
208 ~~other students.~~

209 ~~6. Prior to assignment of students to second chance~~
210 ~~schools, district school boards are encouraged to use~~
211 ~~alternative programs, such as in-school suspension, which~~
212 ~~provide instruction and counseling leading to improved student~~
213 ~~behavior, a reduction in the incidence of truancy, and the~~
214 ~~development of more effective interpersonal skills.~~

215 ~~7. Students assigned to second chance schools must be~~
216 ~~evaluated by the district school board's child study team before~~
217 ~~placement in a second chance school. The study team shall ensure~~
218 ~~that students are not eligible for placement in a program for~~
219 ~~emotionally disturbed children.~~

220 ~~8. Students who exhibit academic and social progress and~~
221 ~~who wish to return to a traditional school shall complete a~~
222 ~~character development and law education program and demonstrate~~
223 ~~preparedness to reenter the regular school setting prior to~~
224 ~~reentering a traditional school.~~

225 (2) (a) Each district school board may establish dropout
226 prevention and academic intervention programs at the elementary,
227 middle, junior high school, or high school level. Programs
228 designed to eliminate patterns of excessive absenteeism or
229 habitual truancy shall emphasize academic performance and may
230 provide specific instruction in the areas of career education,
231 preemployment training, and behavioral management. Such programs
232 shall utilize instructional teaching methods and student

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233 services leading to improved student behavior appropriate to the
 234 specific needs of the student.

235 (c) For each student enrolled in a dropout prevention and
 236 academic intervention program or school, an academic
 237 intervention plan must be developed to address eligibility for
 238 placement in the program, individualized student goals, and
 239 progress monitoring procedures. An exceptional student education
 240 student's academic intervention plan must be consistent with the
 241 student's individual education plan.

242 (3) Each district school board offering ~~receiving state~~
 243 ~~funding for~~ dropout prevention and academic intervention
 244 programs ~~through the General Appropriations Act~~ shall submit
 245 information through an annual report to the Department of
 246 Education's database documenting the extent to which each of the
 247 district's dropout prevention and academic intervention programs
 248 has been successful in the areas of graduation rate, dropout
 249 rate, attendance rate, and retention/promotion rate. The
 250 department shall compile this information into an annual report
 251 which shall be submitted to the presiding officers of the
 252 Legislature by February 15.

253 (4) Each district school board shall establish course
 254 standards, as defined by rule of the State Board of Education,
 255 for dropout prevention and academic intervention programs which
 256 are qualified pursuant to s. 1012.55 and procedures for ensuring
 257 that teachers assigned to the programs possess the affective,
 258 pedagogical, and content-related skills necessary to meet the
 259 needs of these students.

260 (5) Each district school board providing a dropout
 261 prevention and academic intervention program pursuant to this

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262 section shall maintain for each participating student records
 263 documenting the student's eligibility, the length of
 264 participation, the type of program to which the student was
 265 assigned or the type of academic intervention services provided,
 266 and an evaluation of the student's academic and behavioral
 267 performance while in the program. The school principal or his or
 268 her designee shall, prior to placement in a dropout prevention
 269 and academic intervention program or the provision of an
 270 academic service, provide written notice of placement ~~or~~
 271 ~~services by certified mail, return receipt requested,~~ to the
 272 ~~student's~~ parent or guardian of the student. Reasonable efforts
 273 must also be made by the principal to notify the parent or
 274 guardian by telephone or e-mail, or both, and these efforts must
 275 be documented. The parent or guardian of the student shall sign
 276 an acknowledgment of the notice of placement or service and
 277 return the signed acknowledgment to the principal within 3 days
 278 after receipt of the notice. The parent or guardian ~~parents~~ of a
 279 student assigned to such a dropout prevention and academic
 280 intervention program shall be notified in writing and entitled
 281 to an administrative review of any action by school personnel
 282 relating to such placement pursuant to the provisions of chapter
 283 120.

284 Section 4. Present subsections (3) through (16) of section
 285 1006.38, Florida Statutes, are redesignated as subsections (4)
 286 through (17), respectively, a new subsection (3) is added to
 287 that section, and present subsections (14) and (16) of that
 288 section are amended, to read:

289 1006.38 Duties, responsibilities, and requirements of
 290 instructional materials publishers and manufacturers.—This

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section applies to both the state and district approval processes. Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Make available, electronically and freely, sample copies of instructional materials found on the Commissioner of Education's adopted list for each adoption cycle for online use by institutions and programs that prepare candidates for teacher preparation as defined in ss. 1004.04 and 1004.85 so that teacher preparation candidates can practice teaching with currently adopted instructional materials aligned to state academic standards.

(15)~~(14)~~ Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (17) ~~(16)~~, the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(17)~~(16)~~ Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (6) ~~(5)~~ and (7) ~~(6)~~ and in the amount of three times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (8) ~~(7)~~.

Section 5. Subsections (4) and (5) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.-

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(4) (a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns a grade of "D," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3) (c).

(b) For a school that initially earns a grade of "F" or a second consecutive grade of "D," the school district must either continue implementing or immediately begin implementing intervention and support strategies prescribed in rule under paragraph (3) (c) and provide the department, by August ~~September~~ 1, with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, ~~by October 1,~~ a district-managed turnaround plan for approval by the state board. The plan must include measurable academic benchmarks that put the school on a path to earning and maintaining a grade of "C" or higher ~~The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, a combination of an extended school day and a summer program, or any other option authorized under paragraph (b) for state board approval. A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a turnaround plan for approval by the state board under this paragraph.~~ Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (c) ~~(b)~~ if it determines that the school is likely to

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improve to a grade of "C" or higher after the first full school year of implementation.

~~(c)(b)~~ Unless an additional year of implementation is provided pursuant to paragraph (a) or paragraph (b), a school that completes a plan cycle under paragraph (a) or paragraph (b) and does not improve to a grade of "C" or higher must implement one of the following:

1. Reassign students to another school and monitor the progress of each reassigned student.

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness.

a. The school district shall continue to operate the school for the following school year and no later than October 1 execute a charter school turnaround contract that will allow the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The school district may not reduce or remove resources from the school during this time.

b. The charter school operator shall provide enrollment preference to students currently attending or who would have otherwise attended or been zoned for the school. The school district shall consult and negotiate with the charter school every 3 years to determine whether realignment of the attendance zone is appropriate to ensure that students residing closest to the school are provided with an enrollment preference.

c. The charter school operator shall serve the existing

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grade levels served by the school at its current enrollment or higher but may, at its discretion, serve additional grade levels.

d. The school district may not charge a rental or leasing fee for the existing facility or for the property normally inventoried to the school. The school and school district shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to all other school facilities in the district.

e. The school district may not withhold an administrative fee for the provision of services identified in s. 1002.33(20)(a).

3. Contract with an outside entity that has a demonstrated record of effectiveness to provide turnaround services identified in state board rule, which may include school leadership, educational modalities, teacher and leadership professional development, curriculum, operation and management services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof. Selection of an outside entity may include one or a combination of the following:

a. An external operator, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide

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individualized consultancy services tailored to address the identified needs of one or more schools under this section.

A school district and outside entity under this subparagraph must enter, at minimum, a 2-year, performance-based contract. The contract must include school performance and growth metrics the outside entity must meet on an annual basis. The state board may require the school district to modify or cancel the contract.

(d) ~~(e)~~ Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(e) ~~(d)~~ If a school earning two consecutive grades of "D" or a grade of "F" does not improve to a grade of "C" or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (c) ~~(d)~~, the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

(5) The state board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The rules shall include timelines for submission of implementation plans, approval criteria for implementation plans, and timelines for implementing intervention and support strategies, a standard charter school turnaround contract, standard facility lease, and mutual management agreement. The state board shall consult with

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education stakeholders in developing the rules.

Section 6. Subsection (5), paragraph (a) of subsection (6), and subsection (9) of section 1012.79, Florida Statutes, are amended to read:

1012.79 Education Practices Commission; organization.—

(5) The appointment and removal of commission, by a vote of three-fourths of the membership, shall employ an executive director, who shall be exempt from career service, is at the discretion of the Commissioner of Education. ~~The executive director may be dismissed by a majority vote of the membership.~~

(6) (a) The commission shall be assigned to the Department of Education for administrative and fiscal accountability purposes. The commission, in the performance of its powers and duties, is ~~shall~~ not be subject to control, supervision, or direction by the Department of Education.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, legal services ~~general counsel or access to counsel~~, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission are ~~shall be~~ subject to the powers and duties of the Department of Financial Services as provided in s. 17.03.

Section 7. Paragraph (n) of subsection (9) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing

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board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school

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improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(c)2. ~~s. 1008.33(4)(b)2.~~ Such charter schools shall be governed by s. 1008.33;

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b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(c).

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding

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the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

Section 8. Paragraph (b) of subsection (1) of section 1002.332, Florida Statutes, is amended to read:

1002.332 High-performing charter school system.—

(1) For purposes of this section, the term:

(b) "High-performing charter school system" means an entity that:

1. Operated at least three high-performing charter schools in the state during each of the previous 3 school years;

2. Operated a system of charter schools in which at least 50 percent of the charter schools were high-performing charter schools pursuant to s. 1002.331 and no charter school earned a school grade of "D" or "F" pursuant to s. 1008.34 in any of the previous 3 school years regardless of whether the entity currently operates the charter school, except that:

a. If the entity assumed operation of a public school pursuant to s. 1008.33(4)(c)2. ~~s. 1008.33(4)(b)2.~~ with a school grade of "F," that school's grade may not be considered in determining high-performing charter school system status for a period of 3 years.

b. If the entity established a new charter school that

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served a student population the majority of which resided in a school zone served by a public school that earned a grade of "F" or three consecutive grades of "D" pursuant to s. 1008.34, that charter school's grade may not be considered in determining high-performing charter school system status if it attained and maintained a school grade that was higher than that of the public school serving that school zone within 3 years after establishment; and

3. Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) for any charter school assumed or established by the entity in the most recent 3 fiscal years for which such audits are available.

Section 9. Paragraph (d) of subsection (1) and subsection (2) of section 1002.333, Florida Statutes, are amended to read:

1002.333 Persistently low-performing schools.—

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

(d) "School of hope" means:

1. A charter school operated by a hope operator which:

a. Serves students from one or more persistently low-performing schools and students who reside in a Florida Opportunity Zone;

b. Is located in a Florida Opportunity Zone or in the attendance zone of a persistently low-performing school or within a 5-mile radius of such school, whichever is greater; and

c. Is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(c)3. ~~s. 1008.33(4)(b)3.~~

(2) HOPE OPERATOR.—A hope operator is a nonprofit

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

(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund

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of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(c)3. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

Section 10. Paragraph (b) of subsection (7) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(7) TRANSITION.—To assist in the transition to 2022-2023 school grades and district grades calculated based on the comprehensive, end-of-year progress monitoring assessment under s. 1008.25(9), the 2022-2023 school grades and district grades shall serve as an informational baseline for schools and districts to work toward improved performance in future years. Accordingly, notwithstanding any other provision of law:

(b) A school may not be required to select and implement a turnaround option pursuant to s. 1008.33 in the 2023-2024 school year based on the school's 2022-2023 grade. The benefits of s. 1008.33(4)(d) ~~s. 1008.33(4)(e)~~, relating to a school being released from implementation of the turnaround option, and s.

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1008.33(4)(e) ~~s. 1008.33(4)(d)~~, relating to a school implementing strategies identified in its school improvement plan, apply to a school using turnaround options pursuant to s. 1008.33 which improves to a grade of "C" or higher during the 2022-2023 school year.

This subsection is repealed July 1, 2025.

Section 11. Paragraph (b) of subsection (7) of section 1011.62, Florida Statutes, is amended to read:

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

(7) EDUCATIONAL ENRICHMENT ALLOCATION.—

(b) For district-managed turnaround schools as identified in s. 1008.33(4)(b) ~~s. 1008.33(4)(a)~~, schools that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(c)3. ~~s. 1008.33(4)(b)3.~~, and schools that have improved to a "C" and are no longer in turnaround status, as identified in s. 1008.33(4)(d) ~~s. 1008.33(4)(e)~~, a supplemental amount shall be added to their educational enrichment allocation for purposes of implementing the intervention and support strategies identified in the turnaround plan submitted pursuant to s. 1008.33.

1. The supplemental amount shall be based on the unweighted full-time equivalent student enrollment at the eligible schools and a per full-time equivalent funding amount of \$500 or as

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provided in the General Appropriations Act.

2. Services funded by the allocation may include, but are not limited to, tutorial and afterschool programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

3. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

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



The Florida Senate

Committee Agenda Request

To: Senator Corey Simon, Chair
Committee on Education Pre-K -12

Subject: Committee Agenda Request

Date: January 5, 2024

I respectfully request that **Senate Bill #996**, relating to Education, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess
Florida Senate, District 23

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

January 30, 2024
Meeting Date

Education PreK-12
Committee

SB 996
Bill Number or Topic

Amendment Barcode (if applicable)

Name Polly DeLuca, Private Citizen Phone 407-314-5423

Address 108 Monterey Oaks Dr Email pdelucia@cf1.rr.com
Street
Sanford, FL 32771
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/30/24

Meeting Date

PreK-12 Edu

Committee

SB 996

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Cory Dowd - Dept. of Education

Phone

Address

352 W. Gaine St.

Email

Street

Tallahassee

FL

32399

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL DOE

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SPB 7048

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: Education

DATE: February 1, 2024

REVISED: _____

| ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|-------------|----------------|-----------|---------------------------------------|
| 1. Palazesi | Bouck | | ED Submitted as Comm. Bill/Fav |

I. Summary:

SPB 7048 builds upon the school choice provisions in House Bill 1 (Ch. 2023-16, Laws of Fla.) and clarifies student eligibility for Florida's K-12 scholarship programs, requirements for scholarship funding organizations (SFO), the Department of Education (DOE), and parents. Specifically, the bill:

- Expands eligibility for scholarship programs to the dependent children of an active duty member of the United States Armed Forces who meet specified requirements.
- Increases the maximum number of students participating in the Family Empowerment Scholarship for students with disabilities (FES-UA) scholarship program from 3 percent to 5 percent of the state's total exceptional student education membership, while also including an automatic increase of an additional 1 percent based on demand.
- Establishes deadlines for SFOs and parents related to the application and renewal of the Florida Tax Credit (FTC), personalized education program (PEP), and Family Empowerment Scholarship (FES) programs.
- Codifies deadlines and responsibilities of SFOs and the DOE regarding the disbursement of funds for the FES scholarship program.
- Updates the quarterly reporting requirements for SFOs to include information on applications received, application review timeframes, reimbursements received, and reimbursement processing timeframes.
- Requires an SFO to establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.
- Requires an SFO to make payment for tuition and fees for full-time enrollment within seven business days after approval by the parent and school.
- Clarifies the authorized uses of scholarship funds.
- Repeals the scholarship funding portion of the Hope Scholarship Program, but maintains the tax credits, program eligibility, and requirements.

The bill takes effect July 1, 2024, except as otherwise expressly provided.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Florida offers several scholarship programs that allow parents of eligible students to register in and attend a private school that may better serve a student's particular needs or to provide educational options for students with disabilities or receiving parent-directed instruction. The three scholarship programs, include:

- The Family Empowerment Scholarships, which include:¹
 - The Family Empowerment Scholarship for students attending a private school (FES-EO).
 - The Family Empowerment Scholarship for students with disabilities (FES-UA).
- The Florida Tax Credit (FTC),² consisting of a scholarship for students attending private school and a scholarship for students in a personalized education program.³
- The Hope Scholarship Program (HSP).⁴

Private schools must meet specific criteria in order to be eligible to participate in Florida's scholarship programs⁵ and the Department of Education (DOE)⁶ and Commissioner of Education⁷ are tasked with implementation and oversight responsibilities. Florida's scholarship programs are administered by scholarship funding organizations (SFO) approved by the DOE.⁸

Private School Participation in Scholarship Programs

Present Situation

Each scholarship program has unique requirements for private schools, but there are common criteria that each private school must meet in order to participate in any of the state's scholarship programs.⁹ A private school may be sectarian or nonsectarian, must meet Florida's definition of a private school,¹⁰ be registered with the state, and be in compliance with all the requirements of a private school.¹¹ A private school that participates in the scholarship program must also:¹²

- Comply with 42 U.S.C. s. 2000d which prohibits excluding a person from participation in federally assisted programs on the grounds of race, color, or national origin.
- Notify the Department of Education (DOE) of its intent to participate in a scholarship program.

¹ Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.

² Section 1002.395, F.S.; *see also* Rule 6A-6.0960, F.A.C.

³ Section 1002.395(7)(b), F.S.

⁴ Section 1002.40, F.S.; *see also* Rule 6A-6.0951, F.A.C.

⁵ Section 1002.421(1), F.S.

⁶ Section 1002.421(2), F.S.

⁷ Section 1002.421(3), F.S.

⁸ *See* ss. 1002.394(11) and 1002.395(6) and (15), F.S.

⁹ *See* s. 1002.421, F.S.

¹⁰ *See* s. 1002.01(3), F.S.

¹¹ Section 1002.421(1), F.S.

¹² Section 1002.421(1)(a)-(s), F.S.; *see also* Rule 6A-6.03315, F.A.C.

- Notify the DOE of any changes in the school's name, director, mailing address, or physical location within 15 days of the change.
- Provide the DOE or the scholarship funding organization (SFO) all required documentation for student registration and payment.
- Provide to the SFO the school's fee schedule.
- Annually complete and submit to the DOE a notarized scholarship compliance statement verifying compliance with background screening requirements.
- Demonstrate fiscal soundness in accordance with statutory requirements.
- Meet applicable state and local health, safety, and welfare laws, codes, and rules.
- Employ or contract with teachers that meet specified requirements.
- Maintain a physical location in the state at which each student has regular and direct contact with teachers.
- Provide to parents information regarding the school's programs, services, classroom teacher qualifications, and a statement that a private school student with a disability does not have a right to all of the services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA).
- Provide the parent, at least on a quarterly basis, a written report of the student's progress;
- Cooperate with a parent who wants a student to participate in Florida's statewide, standardized assessments.
- Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators.
- Not be owned or operated by a person or an entity domiciled in, owned by, or in any way controlled by a foreign country of concern or foreign principal, as identified in law.

Regular and direct contact with a teacher at an eligible private school is defined as a program of instruction that provides for a minimum of 170 actual school instruction days with the required instructional hours under the direct instruction of the private school teacher at the school's approved physical location. This may include occasional off-site activities including the FES-UA transition-to-work plan under the supervision of the private school teacher.¹³

If a private school receives more than \$250,000 in scholarship funds in one year, the school must hire an independent certified public accountant (CPA) who must verify that the school meets the requirements for eligibility, accounting and financial controls, and expenditures.¹⁴

If a school fails to meet any of the requirements in law or has consecutive years of material exceptions listed in the CPA's report, the commissioner may determine that the private school is ineligible to participate in a scholarship program.¹⁵

The Commissioner of Education (commissioner) is authorized to permanently deny or revoke the authority of an owner, officer or director to establish or operate a private school in the state and

¹³ Rule 6A-6.03315, F.A.C.

¹⁴ Section 1002.395(6)(q), F.S.

¹⁵ Section 1002.421(1), F.S.

include such individual on the disqualification list¹⁶, if the commissioner decides that the owner, officer, or director:¹⁷

- Is operating or has operated an educational institution in the state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.
- Has operated an educational institution that closed during the school year.

Effect of Proposed Changes

The bill amends s. 1002.421, F.S., to authorize that regular and direct contact may be satisfied, for a student receiving a personalized education program (PEP) scholarship, by maintaining contact with teachers at the private school's physical location at least two school days per week and requires that the remaining instructional time is addressed in the student learning plan.

The bill also amends ss. 1002.394 and 1002.395, F.S., to add requirements for private schools participating in the state scholarships, which includes:

- Confirmation of the student's admission to the private school.
- Any other information required by the SFO to process scholarship payment. Private schools must provide such information by the deadlines established by the SFO.

The bill clarifies that a student is not eligible to receive a quarterly scholarship payment under the state's choice scholarship programs if the private school fails to meet the deadlines.

Transition-to-work

Present Situation

A transition-to-work program consists of academic instruction, work skills training, and a volunteer or paid work experience.¹⁸ A recipient of the Family Empowerment Scholarship for students with disabilities (FES-UA) who has not received a high school diploma or certificate of completion and who is at least 17 years old, but not older than 22 years old, may enroll in a private school's transition-to-work program.¹⁹ A student enrolled in the program must, at a minimum, receive 15 instructional hours at the private school, including both academic and work skills training, and participate in 10 hours of work at a volunteer or paid work experience.²⁰

Among other requirements, to offer the program, a participating private school must:²¹

- Develop a program plan, which includes a description of the academic instruction and work skills training a student will receive and goals for students in the program.
- Submit the program plan to the Department of Education (DOE).

¹⁶ See s. 1001.10(4)(b), F.S.

¹⁷ Section 1002.421(3)(c), F.S.

¹⁸ Section 1002.394(16), F.S.

¹⁹ *Id.*

²⁰ Section 1002.394(16)(b), F.S.

²¹ Section 1002.394(16)(a), F.S.

Effect of Proposed Changes

The bill amends s. 1002.395, F.S., to authorize the DOE to provide guidance to a participating private school that submits a transition-to-work program plan. The bill requires that a school must consider any guidance if provided by DOE, regarding the school's plan.

Florida Tax Credit Scholarship

Present Situation

The Florida Tax Credit (FTC) scholarship was created in 2001 and enables taxpayers to make private, voluntary contributions to a scholarship funding organization (SFO), to expand educational opportunities for families, to include those with limited financial resources, and enables Florida's children to achieve a greater level of excellence in their education.²² The FTC scholarship is funded with contributions to SFOs from taxpayers who receive a tax credit for use against their liability for corporate income tax, insurance premium tax, severance taxes on oil and gas production, self-accrued sales tax liabilities of direct pay permit holders or alcoholic beverage taxes on beer, wine, and spirits and rental or license fees.²³ The tax credit is equal to 100 percent of the eligible contributions made.²⁴ SFOs use these contributions to award scholarships for the cost of tuition and fees at an eligible private school or transportation expenses to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned.²⁵

In 2023, the Legislature expanded eligibility for an FTC scholarship for all Floridians eligible to attend public school in Florida while simultaneously turning the scholarship into an education savings account (ESA) by expanding the authorized uses for the FTC scholarship.²⁶

Florida Tax Credit Scholarship Eligibility

The FTC scholarship program provides scholarships to students, with priority given to children from low-income families and those who are in foster care or out-of-home care.²⁷ Contingent upon available funds, a student is initially eligible for an FTC scholarship if the student is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a public school in Florida.²⁸

An FTC scholarship may also be awarded to an eligible public school student enrolled in a Florida public school which is different from the school to which the student was assigned or in a

²² Section 1002.395(1)(b), F.S.

²³ Section 1002.395(1) and (5) and s. 212.099(2), F.S. Information and documentation provided to the DOE and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times. Section 1002.395(6), F.S. (flush left provision at end of subsection).

²⁴ Sections 220.1875(1), 212.099(2), and 1002.395(5), F.S.

²⁵ Section 1002.395(6)(l), F.S. An eligible contribution is a monetary contribution from a taxpayer to an eligible nonprofit SFO. The taxpayer may not designate a specific child as the beneficiary of the contribution. Section 1002.395(2)(e), F.S.

²⁶ Chapter 2023-16, s. 6, Laws of Fla.

²⁷ Section 1002.395(3)(b), F.S. First priority for an initial FTC scholarship must be given to a student whose household income level does not exceed 185 percent of the federal poverty level (FPL) or who is in foster care or out-of-home care. Secondary priority for an initial FTC scholarship must be given to a student whose household income level does not exceed 400 percent of the FPL.

²⁸ Section 1002.395(3)(b)1., F.S.

lab school, if the school district does not provide the student with transportation to the school.²⁹ Such a scholarship is the greater of \$750 or an amount equal to the school district expenditure per student riding a bus.³⁰

An FTC scholarship remains in force until the:³¹

- SFO determines that the student is not eligible for program renewal.
- Commissioner suspends or revokes program participation or use of funds.
- Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities.
- Student enrolls in a public school, except for a student who enters a Department of Juvenile Justice (DJJ) detention center for no more than 21 days.
- Student graduates from high school or attains 21 years of age, whichever occurs first.

A student is not eligible for an FTC scholarship while he or she is:³²

- Enrolled in a public school, including a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program (FEFP).
- Enrolled in a school operating for the purpose of providing educational services to youth in a DJJ commitment program.
- Receiving any other state-sponsored K-12 educational choice scholarship.
- Not having regular and direct contact with his or her private school teachers unless he or she is enrolled in a personalized education program (PEP).
- Participating in a home education program.
- Participating in a private tutoring program unless he or she is enrolled in a PEP; or
- Participating in virtual instruction that receives state-funding for the student's participation.

Florida Tax Credit Scholarship Authorized Uses

Authorized uses of FTC scholarship funds include:³³

- Tuition and fees for enrollment in an eligible private school.
- Instructional materials, including digital materials and Internet resources.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Tuition and fees associated with full- or part-time enrollment in a home education instructional program, an eligible postsecondary educational institution or a program offered by such institution,³⁴ an approved preapprenticeship program,³⁵ a private tutoring program, a virtual program offered by a DOE-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.

²⁹ Section 1002.395(6)(d) and (11)(a)3., F.S.

³⁰ *Id.* The district expenditure per student riding a school bus is the amount determined by the DOE.

³¹ Section 1002.395(11)(f)., F.S.

³² Section 1002.395(4), F.S.

³³ Section 1002.395(6)(d)2., F.S.

³⁴ Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship. Additionally, eligible postsecondary educational institution includes approved higher education institutions which participate in distance education through reciprocity agreements.

³⁵ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.³⁶

Personalized Education Program (PEP)

In 2023 the Legislature expanded options for FTC scholarship participation by creating the PEP, a parent directed educational choice option that must be registered with a SFO that administers FTC scholarships.³⁷ Students enrolled in a PEP are authorized to participate in the FTC scholarship program and the program satisfies mandatory school attendance requirements.³⁸ Students in PEP are provided access to the same programs and services as home education program students.³⁹

Parents and students receiving an FTC scholarship while participating in a PEP must comply with the following requirements:⁴⁰

- Apply to an eligible SFO to participate in the program by a date set by the SFO. The request must be communicated directly to the SFO in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Sign an agreement with the SFO and annually submit a sworn compliance statement to the SFO to satisfy or maintain program eligibility, including eligibility to receive and spend program payments, by:
 - Affirming that the program funds are used only for authorized purposes serving the student's educational needs and that the parent will not receive a payment, refund, or rebate of any funds provided under this section.
 - Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student.
 - Submitting a student learning plan⁴¹ to the SFO and revising the plan, at least annually before program renewal.
 - Requiring the student to take a nationally norm-referenced test identified by the DOE or a statewide, standardized assessment and provide results to the SFO before renewal.
 - Renewing participation in the program each year.

³⁶ A choice navigator is defined as an individual who assists parents with the selection, application, and enrollment in educational options that address the academic needs of their student. A choice navigator must be a person who holds a valid Florida educator's certificate, a person who holds an adjunct teaching certificate, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge, or a person certified by a nationally or internationally recognized research-based training program as approved by the DOE. Section 1002.95(2)(b), F.S.

³⁷ Section 1002.01(2), F.S.

³⁸ Sections 1002.395(7)(b) and 1003.01(13)(f), F.S.

³⁹ Section 1002.01(2), F.S.

⁴⁰ Section 1002.395(7)(b), F.S.

⁴¹ A student learning plan is a customized learning plan developed by a parent, at least annually, to guide instruction for their student and identify the goods and services that are needed to address the academic needs of the student.

- Procuring the services necessary to educate the student. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education.

For a scholarship student participating in a PEP, an SFO must:⁴²

- Maintain a signed agreement from the parent which constitutes as complying with the state's attendance requirements.
- Receive eligible student test scores, and beginning with the 2027-2028 school year, annually report the assessment data to the state university selected by the DOE to analyze such data.
- Provide parents with information, guidance, and support to create and annually update a customized student learning plan for their student. The SFO must maintain the plan and allow parents to electronically submit, access, and revise the plan continuously.
- Upon submission by the parent of an annual student learning plan, fund a scholarship for a student determined eligible.

Regarding a student participating in a PEP, the SFO is prohibited from further regulating, exercising control over, or requiring documentation beyond the requirements prescribed in law.⁴³

The law provides SFOs with the following schedule for funding FTC scholarships to eligible students that are enrolled in PEP:⁴⁴

- For the 2023-2024 school year, no more than 20,000 scholarships may be funded.
- For the 2024-2025 through 2026-2027 school years, the number of funded scholarships may increase by 40,000 each year.

After July 1, 2027, there are no restrictions on the number of FTC scholarships that may be awarded to PEP students.⁴⁵ For the 2023-2024 school year, as of January 8, 2024, 18,081 PEP scholarships have been funded.⁴⁶

Responsibilities of FTC Scholarship Recipients Enrolled in Private School Full-Time

Participation in the FTC scholarship program for a student enrolled full-time in a private school requires parents and students to fulfill the following responsibilities:⁴⁷

- Select an eligible private school,⁴⁸ apply for admission, and notify the school district when the student is withdrawn from a public school.
- Students must attend school (unless excused by the school for illness or good cause).
- Students and parents must comply with the private school's published policies.
- Meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment in the private school.

⁴² Section 1002.395(6)(e), F.S.

⁴³ Section 1002.395(7)(b), F.S. (flush left provision at the end of the paragraph).

⁴⁴ Section 1002.395(6)(d)1., F.S.

⁴⁵ Id.

⁴⁶ Email, Step Up for Students (January 8, 2024), and email, AAA (January 8, 2024).

⁴⁷ Section 1002.395(7)(a)1.-8., F.S.

⁴⁸ A private school is eligible to participate in the FTC if they meet statutory criteria for participation in state scholarship programs under s. 1002.421(1), F.S.,

- Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school.⁴⁹
- Parents must approve each payment before the scholarship funds may be deposited.
- Parents must authorize the SFO to access information necessary to determine income eligibility, including information held by state and federal agencies.
- Agree to have the SFO commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using account funds for additional authorized uses. A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

Florida Tax Credit Scholarship Disbursement and Award Amount

For students initially eligible in the 2019-2020 and thereafter, the calculated scholarship amount is 100 percent of the unweighted full-time equivalent (FTE) basic program funds the student would generate in the school district in which the student resides based on grade level, plus a per-full-time equivalent share of funds for specified FEFP categorical programs.⁵⁰

For the 2022-2023 school year, 100,025 students were funded a FTC private school scholarship⁵¹ and 1,645 students were funded a FTC transportation scholarship.⁵² As of January 8, 2024, 129,228 FTC scholarships for students attending private school have been funded for the 2023-2024 school year.⁵³

Each SFO must establish and maintain an education savings account (ESA) for each eligible student and must maintain records of accrued interest retained in the student's account.⁵⁴ The SFO must make a scholarship payment no less frequently than quarterly.⁵⁵ An SFO must make scholarship payments by funds transfer (including debit cards, electronic payment cards, or any other means the DOE deems commercially viable or cost-effective).⁵⁶ The parent of an eligible student must approve each payment prior to the SFO transferring funds to the account.⁵⁷

The SFO may permit eligible students to use program funds by paying for the authorized use directly, then submitting a reimbursement request to the eligible SFO. However, an SFO is authorized to require the use of an online platform for direct purchases of products so long as this does not limit a parent's choice of curriculum or academic programs. Additionally, if a parent

⁴⁹ The parent and student may also elect to participate in the statewide, standardized assessment administered by the school district. The parent is responsible for transporting the student to the assessment. Section 1003.394(10)(a)6., F.S.

⁵⁰ Section 1002.395(11)(a)2., F.S. Categorical program funds are state funding allocations earmarked for certain programs or initiatives that can only be spent for the specific purposes of those programs or initiatives. These funds comprise a portion of total state funds for public school operations and are in addition to base state FEFP funds. The FEFP categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

⁵¹ Florida Department of Education, *Florida Tax Credit Scholarship Program: June 2023 Quarterly Report* (June 2023), available at <https://www.fldoe.org/core/fileparse.php/7558/urlt/FTC-Jun-2023-Q-Report.pdf> [hereinafter *June Quarterly Report*].

⁵² Email, Step Up for Students (January 8, 2024) and email, AAA (January 9, 2024).

⁵³ Email, Step Up for Students (January 8, 2024) and email, AAA (January 8, 2024).

⁵⁴ Section 1002.395(6)(d)2., F.S.

⁵⁵ Section 1002.395(11)(d), F.S.

⁵⁶ Section 1002.395(11)(b), F.S.

⁵⁷ Section 1002.395(7)(a)6. and (11)(b), F.S.

purchases a product identical to one offered by an SFO's online platform for a lower price, the SFO must reimburse the parent the cost of the product. Reimbursements are allowed for items not on the platform.⁵⁸

Additionally, the SFO is required to verify a student's eligibility each fiscal year, prior to funding a scholarship for that fiscal year.⁵⁹ The law establishes \$24,000 as the maximum amount an SFO is permitted to maintain in an individual student's ESA for an FTC scholarship.⁶⁰

The law permits reimbursements for scholarship program expenditures to continue until the account balance is expended or remaining funds have reverted to the state.⁶¹ However, a student's ESA must be closed, and any remaining funds will revert to the state, after:

- Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services; or
- Two consecutive fiscal years in which an account has been inactive.⁶²

Effect of Proposed Changes

The bill modifies s. 1002.395, F.S., to expand eligibility for the a Florida Tax Credit (FTC) scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida or whose home of record or state of residence, at the time of renewal, is Florida. Additionally, the bill provides that any student that received a scholarship under the Hope Scholarship Program scholarship during the 2023-2024 school year is deemed eligible for an FTC scholarship.

The bill clarifies that "enrolled in a public school" for the purposes of scholarship eligibility includes enrollment in the Florida School for Competitive Academics,⁶³ the Florida Virtual School,⁶⁴ and the Florida Scholars Academy.⁶⁵ The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program⁶⁶ is authorized to receive a transportation scholarship.

The bill provides that a student receiving an FTC scholarship who uses scholarship funds to enroll full-time in a private school will have his or her scholarship account closed and remaining funds reverted to the state if the student remains unenrolled at an eligible private school for 30 days. Additionally, the bill clarifies that a student no longer eligible for a scholarship award if a student enrolls full-time in public school.

⁵⁸ Section 1002.395(6)(u), F.S.

⁵⁹ Section 1002.395(6)(l)3., F.S.

⁶⁰ Section 1002.395(11)(e), F.S.

⁶¹ Section 1002.395(11)(g), F.S.

⁶² Section 1002.395(11)(h), F.S.

⁶³ Section 1002.351, F.S.

⁶⁴ Section 1002.37, F.S.

⁶⁵ Section 985.619, F.S.

⁶⁶ Section 1002.411, F.S.

FTC Scholarship Award

The bill requires that a scholarship funding organization (SFO) establish a process for parents receiving an FTC scholarship for full time private school enrollment to renew their participation, beginning with the 2025-2026 school year, with a renewal timeline beginning February 1 and ending April 30 of the prior school year. Renewal must be contingent on confirmation of admission to an eligible private school. The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

The SFO must establish a process for parents to apply for a new FTC scholarship for the purpose of full time private school enrollment. The process must require that parents confirm that the scholarship is being accepted or declined by a date set by the SFO.

Similarly, the bill requires an SFO to establish a process for parents of students participating in the personalized education program (PEP) to apply for a new scholarship or renew an existing scholarship. The process must require that renewals and new applications be made between February 1 and April 30, beginning with the school year prior to 2025-2026. The process must require that parents confirm that the scholarship is being accepted, renewed, or declined, as appropriate, by May 31.

The following table presents the new and renewal scholarship application process required under the bill:

| Type of Application | Scholarship Program | Application Window | Parent must Accept or Decline by |
|---------------------|-----------------------|--------------------|----------------------------------|
| NEW | FTC PEP | Feb 1-April 30 | May 31 |
| | FTC-Full-time Private | None | Date set by the SFO |
| RENEWAL | FTC PEP | Feb 1-April 30 | May 31 |
| | FTC-Full-time Private | | |

Authorized Uses of an FTC Scholarship

The bill clarifies the authorized use of scholarship funds for instructional materials. Specifically, equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

Personalized Education Program (PEP)

The bill provides that a middle grades student who transfers into a public school from a PEP after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education. This change aligns requirements for PEP students to the current requirements for out of country, out of state, a private school, or a home education program who transfer into the public school system, after the beginning of the second term of grade 8.

Additionally, the bill provides that if a PEP student transfers to a Florida public high school and the student's transcript shows only course credit in Algebra I or high school reading or English Language Arts (ELA) II or III, the student must pass the statewide, standardized Algebra I end-

of-course (EOC) assessment and grade 10 ELA assessment in order to earn a standard high school diploma unless the student earned a comparative or concordant score. If the student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit must be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Responsibilities of FTC Scholarship Recipients

The bill requires that a parent applying for, or renewing, an FTC scholarship must comply with the scholarship application or renewal processes and requirements established by the SFO, including, but not limited to, application and acceptance deadlines. A parent forfeits participation in the FTC scholarship program for failure to comply with these responsibilities.

The bill clarifies that a parent can only apply for one scholarship at a time, whether under the FTC or FES scholarship programs.

Disbursement of FTC Scholarship Awards

The bill requires that the Department of Education (DOE) notify the SFOs of the deadlines for submitting the verified list of eligible students. A SFO must submit the verified list of students and any information requested by the DOE in a timely manner.

The bill aligns the FTC program with the Family Empowerment Scholarship program by stating that funds received by parents under the FTC scholarship programs are not income for tax purposes.

Family Empowerment Scholarship Program

Present Situation

The Family Empowerment Scholarship (FES) program provides children of families in Florida with educational options to achieve success in their education, including children of families with limited financial resources, children of law enforcement and military families, and children with disabilities.⁶⁷ The FES program includes two types of scholarships to assist eligible students to pay for the tuition and fees associated with attendance at a private school or transportation to another public school (FES-EO), and to provide access to additional education options for a student with a disability by covering the cost of a variety of approved items, including: contracted services, curriculum, instructional materials, tutoring, specified education programs, and specialized services (FES-UA).⁶⁸ Each scholarship has unique student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.⁶⁹

In 2023, the Legislature expanded eligibility for the FES-EO scholarship for all Floridians eligible to attend public school in Florida while simultaneously turning the scholarship into an

⁶⁷ Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.

⁶⁸ Section 1002.394(3)(a) and (3)(b), F.S.

⁶⁹ Section 1002.394, F.S.

educational savings account (ESA) by expanding the authorized uses for the FES-EO scholarship.⁷⁰ Additionally, while convened in special session in November 2023, the Legislature enabled all applicants determined eligible by the scholarship funding organization and the Department of Education to receive an FES-UA scholarship, notwithstanding any other provision of law, for the 2023-2024 school year.⁷¹

Eligibility for the FES-EO

A student is eligible for a scholarship to attend private school if the student is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a Florida public school.⁷²

A FES-EO scholarship remains in force until the: ⁷³

- SFO determines that the student is not eligible for program renewal.
- Commissioner of Education (commissioner) suspends or revokes program participation or use of funds.
- Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities.
- Student enrolls in a public school, however, if a student enters a Department of Juvenile Justice (DJJ) detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose.
- Student graduates from high school or attains 21 years of age, whichever occurs first.

FES-UA Eligibility

A student is eligible for an FES-UA scholarship if the student: ⁷⁴

- Is a resident of Florida.
- Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a Florida public school.
- Has a disability as provided for in law.
- Is the subject of an IEP written in accordance with rules of the State Board of Education (SBE) or with the applicable rules of another state or has received a diagnosis of a disability from a licensed physician, a licensed psychologist, or a physician with a specified out-of-state license.

An FES-UA scholarship remains in force until the: ⁷⁵

- Parent does not renew program eligibility.
- SFO determines that the student is not eligible for program renewal.
- Commissioner suspends or revokes program participation or use of funds.
- Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities.

⁷⁰ Chapter 2023-16, s. 5, Laws of Fla.

⁷¹ Chapter 2023-350, s. 1, Laws of Fla.

⁷² Section 1002.394(3)(a)1., F.S.

⁷³ Section 1002.394(5)(a)1., F.S.

⁷⁴ Section 1002.394(3)(b)1., F.S.

⁷⁵ Section 1002.394(5)(b)1., F.S.

- Student enrolls in a public school.
- Student graduates from high school or attains 22 years of age, whichever occurs first.

Ineligibility for a FES-EO or FES-UA Scholarship

A student is ineligible for a scholarship under the FES-EO or FES-UA if the student is:⁷⁶

- Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school, or a charter school.
- Enrolled in a DJJ commitment program.
- Receiving any other state-sponsored K-12 educational choice scholarship.
- Not having regular and direct contact with his or her private school teacher, unless the student has an eligible disability and is awarded an FES-UA scholarship and the student is enrolled in the private school's transition-to-work program or a home education program.
- Participating in a private tutoring program, unless the student has an eligible disability and is awarded a scholarship under the FES-UA.
- Participating in a virtual instruction program that receives state funding pursuant to the student's participation.

Family Empowerment Scholarship Awards

In 2023, the Legislature removed the cap on FES-EO scholarship awards⁷⁷ and expanded eligibility for the FES-EO scholarship for all Floridians eligible to attend public school in Florida.

In the 2022-2023 school year, 88,010 FES-EO scholarships were funded to eligible students attending a private school⁷⁸ and 696 FES-EO transportation scholarships were funded.⁷⁹ In the 2023-2024 school year, as of January 8, 2024, 133,969 FES-private school scholarships have been funded⁸⁰ and 4,504 FES-EO transportation scholarships have been funded.⁸¹

In 2023, the Legislature increased the cap on FES-UA scholarship awards from 1 percent of the number of exceptional student education students, excluding gifted students, to 3 percent.⁸² During special session in November 2023 the Legislature further expanded the cap on FES-UA scholarships to include all the students determined eligible by the SFO and the DOE for the 2023-2024 school year.⁸³ For the 2024-2025 school year, and subsequent years, the growth rate for the FES-US scholarships will return to the 3 percent established during the 2023 regular session.⁸⁴

⁷⁶ Section 1002.394(6)(a)-(f), F.S.

⁷⁷ Chapter 2023-16, s. 5, Laws of Fla.

⁷⁸ Department of Education, *2022-23 FES EO by District*

⁷⁹ Department of Education, *2022-23 Florida Education Finance Program Fourth Calculation, Transportation, 4/14/23*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/22-23FEFPFourthCalc.pdf>.

⁸⁰ Department of Education, *2023-24 FES Educational Options*.

⁸¹ Email, Department of Education, (January 8, 2024).

⁸² Section 1002.394(12)(b)1., F.S.

⁸³ Chapter 2023-350, s. 1, Laws of Fla.

⁸⁴ Chapter 2023-350, s. 1, Laws of Fla.

Family Empowerment Scholarship – EO Awards

The FES-EO is funded through the Florida Education Finance Program (FEFP) with a scholarship awarded by an SFO.⁸⁵ An FES-EO scholarship award amount for a student to attend an eligible private school is calculated as 100 percent of the school districts funding per student, including specified categorical funds.⁸⁶ The DOE determines the appropriate student scholarship funding amount and cross-checks scholarship students with public school enrollment to avoid duplication.⁸⁷

Upon receiving documentation which verifies a student's participation in the scholarship from the SFO, the DOE must transfer, beginning August 1, scholarship funds to the SFO for disbursement to parents of participating FES-EO students.⁸⁸ Initial scholarship payments are made after the SFO verifies the student's admission acceptance to an eligible private school, with all subsequent scholarship payments occurring upon verification of continued enrollment and attendance at the private school.⁸⁹ Parents must approve all payments before the SFO is authorized to transfer funds.⁹⁰

For each FES-EO scholarship, the DOE must cross-check the list of participating scholarship students with public school enrollment and adjust payments to a SFO and school districts based upon these results when the FEFP is recalculated.⁹¹

When awarding an FES-EO scholarship a participating SFO must award an FES-EO scholarship in accordance with the priorities established in law. For a student seeking a scholarship to attend private school, the award priority must be given to a student whose household income level does not exceed 185 percent of the federal poverty level (FPL) or who is in foster care or out-of-home care.⁹² A secondary priority must be given to a student whose household income level does exceeds 185 percent of the FPL but is does not exceed 400 percent of the FPL.⁹³

An SFO is required to establish and maintain an education savings account for each eligible student and must maintain records of accrued interest retained in the student's account.⁹⁴ The

⁸⁵ Section 1002.394(8)(a), (11)(a), (11)(b), and (12)(a), F.S. The department must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district's share of the state FEFP funds as calculated by the department. Section 1002.394(8)(a)13., F.S.

⁸⁶ Section 1002.394(12)(a)1., F.S.; see also Step Up For Students, *Basic Scholarship Amounts for 2023-24*, available at <https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FTC-FES-EO-Scholarship-Award-Amounts-2023-24.pdf>. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

⁸⁷ Section 1002.394(12)(a)3., F.S.

⁸⁸ Section 1002.394(12)(a)4., F.S. Scholarship payments are made to the SFO on or before August 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.

⁸⁹ Section 1002.394(12)(a)4., F.S.

⁹⁰ Section 1002.394(10)(a)7. and (12)(a)4., F.S.

⁹¹ Section 1002.394(8)(a)13., F.S. The FEFP is calculated five times throughout the year to arrive at each year's final appropriations. See Florida Department of Education, *2021-22 Funding for Florida School Districts*, at 25, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>.

⁹² Section 1002.394(3)(a)2.a., F.S.

⁹³ Section 1002.394(3)(a)2.b., F.S.

⁹⁴ Section 1002.394(11)(a)4., F.S.

parent of an eligible student must approve each payment prior to the SFO transferring funds to the account by funds transfer.⁹⁵

A SFO may permit a FES-EO student to use program funds by paying for the authorized use directly, then submitting a reimbursement request to the eligible SFO. However, an SFO is authorized to require the use of an online platform for direct purchases of products so long as this does not limit a parent's choice of curriculum or academic programs. Additionally, if a parent purchases a product identical to one offered by an SFO's online platform for a lower price, the SFO must reimburse the parent the cost of the product. Reimbursements are allowed for items not on the platform.⁹⁶

Reimbursements for program expenditures continue until the account balance is expended or remaining funds have reverted to the state.⁹⁷ A student's account must be closed, and any remaining funds will revert to the state, after:⁹⁸

- Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services; or
- Two consecutive fiscal years in which an account has been inactive.

Additionally, the SFO is required to verify a student's eligibility each fiscal year, prior to granting a scholarship for that fiscal year⁹⁹ and the DOE is required to transfer eligible student scholarship funds, beginning August 1, to an SFO.¹⁰⁰ The cap of \$24,000 is the maximum amount a SFO is permitted to maintain in an individual student's education savings account for a FES-EO scholarship.¹⁰¹

Family Empowerment Scholarship –UA Awards

The FES-UA is funded through the FEFP with a scholarship awarded by a SFO.¹⁰² For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, a FES-UA scholarship award amount is calculated as 100 percent of the school districts funding per student in the basic exceptional student education (ESE) program, including specified categorical funds.¹⁰³ For a student who has a Level IV or Level V matrix of services, a FES-UA

⁹⁵ Section 1002.394(10)(a)7., F.S.

⁹⁶ Section 1002.394(11)(a)5., F.S.

⁹⁷ Section 1002.394(5)(a)2.b., F.S.

⁹⁸ Section 1002.394(5)(a)2.a., F.S.

⁹⁹ Section 1002.394(11)(a)9., F.S.

¹⁰⁰ Section 1002.394(12)(a)3., F.S.

¹⁰¹ Section 1002.391(12)(a)5., F.S.

¹⁰² Section 1002.394(8)(a), (11)(a), (11)(b), and (12)(a), F.S. The department must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district's share of the state FEFP funds as calculated by the department. Section 1002.394(8)(a)13., F.S.

¹⁰³ Section 1002.394(12)(b)2., F.S.; *see also* Step Up For Students, *Basic Scholarship Amounts for 2023-24*, available at <https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FES-UA-Scholarship-Award-Amounts-2023-24.pdf>. The FEFP categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, the Exceptional Student Education Guaranteed Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), (8), and (16), F.S.

scholarship award amount is calculated as 100 percent of the school districts funding per student in the Level IV or Level V ESE program, including specified categorical funds.¹⁰⁴

Upon receiving documentation which verifies a student's participation in the scholarship from the SFO, the DOE must transfer, beginning September 1, scholarship funds to the SFO for disbursement to parents of participating FES-UA students.¹⁰⁵ Initial scholarship payments are made after the SFO verifies the student's participation.¹⁰⁶

While eligible to participate in the FES-UA program, the following types of students are excluded from the maximum program capacity:¹⁰⁷

- Students who received specialized instructional services under the VPK program during the previous school year;
- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or
- Students who spent the prior school year in attendance at a Florida public school or received a McKay Scholarship in the 2021-2022 school year.

In the 2022-2023 school year, 67,326 FES-UA scholarships were funded to eligible students with a disability.¹⁰⁸ In the 2023-2024 school year, as of December 20, 2023, 93,682 FES-UA scholarships have been funded.¹⁰⁹ The law establishes a cap of \$50,000 as the maximum amount a SFO is permitted to maintain in an individual student's education savings account for a FES-UA scholarship.¹¹⁰

Family Empowerment Scholarships – Parental and Student Responsibilities

Parents and students receiving an FES-EO scholarship must:¹¹¹

- Select the private school and apply for the admission of his or her student.
- Request the scholarship by a date established by the SFO, in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school.
- Require his or her student participating in the program to remain in attendance throughout the school year unless excused by the school for illness or other good cause.
- Meet with the private school's principal or the principal's designee to review the school's academic programs and policies, customized educational programs, code of student conduct, and attendance policies prior to enrollment.

¹⁰⁴ Section 1002.394(12)(b)3., F.S.; *see also* Step Up For Students, *Basic Scholarship Amounts for 2023-24*, available at <https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FES-UA-Scholarship-Award-Amounts-2023-24.pdf>. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.

¹⁰⁵ Section 1002.394(12)(b)7., F.S. Scholarship payments are made to the SFO on or before September 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.

¹⁰⁶ Section 1002.394(12)(b)6., F.S.

¹⁰⁷ Section 1002.394(12)(b)1.a.-c., F.S.

¹⁰⁸ Email, Department of Education, *2022-23 FES UA by Eligibility and Grade*, (Jan 5, 2024).

¹⁰⁹ Email, Department of Education, *2023-24 FES Unique Abilities*, (Jan 5, 2024).

¹¹⁰ Section 1002.394(12)(b)10., F.S.

¹¹¹ Section 1003.394(10)(a), F.S.

- Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school.¹¹²
- Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant.
- Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using account funds for additional authorized uses.

Parents and students receiving an FES-UA scholarship must:¹¹³

- Apply to an eligible SFO to participate in the program by a date set by the SFO in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Sign an agreement with the SFO and annually submit a sworn compliance statement to the SFO to satisfy or maintain program eligibility, including eligibility to receive and spend program payments by:
 - Affirming that the student is enrolled in a program that meets regular school attendance requirements.
 - Affirming that the program funds are used only for authorized purposes serving the student's educational needs.
 - Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student by, as applicable:
 - Requiring the student to take a norm-referenced assessment or the statewide, standardized assessment.¹¹⁴
 - Providing an annual home education program evaluation.
 - Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible VPK program provider.¹¹⁵
 - Affirming that the student remains in good standing with the provider or school if those options are selected by the parent.
 - Enrolling his or her child in a program from a VPK program provider, a school readiness provider, or an eligible private school if either option is selected by the parent.
 - Renewing participation in the program each year.
 - Procuring the services necessary to educate the student.¹¹⁶

Family Empowerment Scholarships – Authorized Uses

Authorized uses of FES-EO scholarship funds in an education savings account include:¹¹⁷

¹¹² The parent and student may also elect to participate in the statewide, standardized assessment administered by the school district. The parent is responsible for transporting the student to the assessment. Section 1003.394(10)(a)6., F.S.

¹¹³ Section 1002.394(10)(b), F.S.

¹¹⁴ However, students with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that standardized testing is not appropriate are exempt from this requirement. Section 1002.394(9)(c), F.S.

¹¹⁵ A student with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that a preassessment and postassessment is not appropriate is exempt from this requirement. Section 1003.394(10)(b)2.c.(III), F.S.

¹¹⁶ If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. Section 1002.394(10)(b)2.g., F.S.

¹¹⁷ Section 1002.394(4)(a), F.S.

- Tuition and fees at an eligible private school.
- Instructional materials, including digital materials and Internet resources.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution¹¹⁸ or a program offered by the postsecondary educational institution,¹¹⁹ an approved preapprenticeship program,¹²⁰ a private tutoring program, a virtual program offered by a department-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.

A scholarship in the amount of \$750 or an amount equal to the school district expenditure per student riding a bus, whichever is greater, may also be awarded to an eligible public school student enrolled in a Florida public school which is different from the school to which the student was assigned or in a lab school, if the school district does not provide the student with transportation to the school.¹²¹

A FES-UA scholarship for an eligible student with a disability may be used to cover the following expenses:¹²²

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
- Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Specialized services¹²³ by approved providers or by a hospital in this state which are selected by the parent.
- Tuition or fees associated with full-time or part-time enrollment in a home education program; an eligible private school; an eligible postsecondary educational institution¹²⁴ or a

¹¹⁸ “Eligible postsecondary educational institution” includes institutions that offer distance learning under a reciprocity agreement. *See, supra*, text accompanying note 47.

¹¹⁹ Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship.

¹²⁰ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

¹²¹ Section 1002.394(12)(a)2., F.S. The district expenditure per student riding a school bus is the amount determined by the DOE.

¹²² Section 1002.394(4)(b)1.-15., F.S.

¹²³ Specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, or services provided by listening and spoken language specialists.

¹²⁴ “Eligible postsecondary educational institution” includes institutions that offer distance learning under a reciprocity agreement.

program offered by the postsecondary educational institution; an approved preapprenticeship program;¹²⁵ a private tutoring program authorized; a virtual program offered by an approved private online provider; the Florida Virtual School as a private paying student; or an approved online course.

- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program for the benefit of the eligible student.
- Contracted services provided by a public school or school district, including classes.¹²⁶
- Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator.
- Fees for specialized summer education programs or specialized after-school education programs.
- Transition services provided by job coaches.
- Fees for a home education student's annual evaluation of educational progress by a state-certified teacher.
- Tuition and fees for a VPK program or school readiness program offered by an eligible provider.
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

Effect of Proposed Changes

Family Empowerment Scholarships (FES-EO and FES-UA) Eligibility

The bill amends s. 1002.394, F.S., to clarify that the ineligibility of a student based on enrollment in a public school only applies if the student enrolls full-time and that “enrolled in a public school” for the purposes of scholarship eligibility includes enrollment in the Florida School for Competitive Academics,¹²⁷ the Florida Virtual School,¹²⁸ and the Florida Scholars Academy.¹²⁹ The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program¹³⁰ is authorized to receive a transportation scholarship.

The bill expands eligibility for a FES scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida or whose home of record or state of residence, at the time of renewal, is Florida and clarifies that a student need only be 3 or 4 years of age during the year in which his or her parent applies for a FES-UA scholarship.

¹²⁵ Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

¹²⁶ While contracted services are considered part-time enrollment, a student who receives services under such a contract is not considered enrolled in a public school for scholarship eligibility purposes.

¹²⁷ Section 1002.351, F.S.

¹²⁸ Section 1002.37, F.S.

¹²⁹ Section 985.619, F.S.

¹³⁰ Section 1002.411, F.S.

The bill requires that a scholarship funding organization (SFO) establish a process for parents receiving a Family Empowerment Scholarship (FES) scholarship to renew their participation, beginning with the 2025-2026 school year, with a renewal timeline beginning February 1 and ending April 30 of the prior school year. Renewal must be contingent on confirmation of admission to an eligible private school. The process must require that a parent confirm that the scholarship will be renewed or declined by May 31.

The SFO must establish a process for new FES scholarship applicants, beginning with the 2025-2026 school year, to submit their application beginning no earlier than February 1 of the prior school year until November 15. Applications received by the SFO after this date will be considered, on a first-come-first-served basis, for the following fiscal year. The process must require that a parent confirm that the scholarship will be accepted or declined by December 15.

The bill requires that the SFO, for each renewing scholarship student, verify the student's continued eligibility to participate in the program at least 30 days prior to each quarterly payment. The SFO must submit a verified list of eligible scholarship students to the DOE, by a deadline set by the DOE. Upon receiving the verified list, the DOE must release to the SFO for deposit into the student's account in quarterly payments no later than August 1, November 1, February 1 and April 1.

The bill requires that for new scholarship applicants, the SFO must verify a student's eligibility to participate in the program at least 30 days prior to each quarterly payment. The SFO must submit a verified list of eligible scholarship students to the DOE, by a deadline set by the DOE. Upon receiving the verified list, the DOE must release to the SFO for deposit into the student's account in quarterly payments no later than September 1, November 1, February 1, and April 1.

The following table presents the new and renewal scholarship application process and payment schedule required under the bill:

| Type of Application | Scholarship Program | Application Window | Parent must Accept or Decline by | 1st Quarterly Payment |
|---------------------|---------------------|--------------------|----------------------------------|-----------------------|
| NEW | FES-EO and FES-UA | Feb 1 - Nov 15 | December 15 | September 1 |
| RENEWAL | FES-EO and FES-UA | Feb 1-April 30 | May 31 | August 1 |

Parent Responsibilities

The bill clarifies that a parent can only apply for one scholarship at a time, whether under the FES or FTC scholarship programs, and requires a parent applying for, or renewing, an FES to comply with the scholarship application or renewal processes and requirements established by the SFO, including, but not limited to, application and acceptance deadlines as a part of the parents' responsibilities for program participation. A parent forfeits participation in the scholarship program for failure to comply with these responsibilities.

Private School Responsibilities

The bill requires that a participating private school must confirm a student's admission to the private school and provide any other information required by an SFO to process scholarship payments for full-time tuition and fees at the private school. The DOE's release of state funds for

any scholarship under FES is contingent on verification that the SFO follows the spend down requirements for eligible contributions under the FTC scholarship program based upon the SFO's submitted verified list of eligible scholarship students.

Scholarship Funding Organization Responsibilities

The bill requires the SFO to make payment for tuition and fees for students enrolled full-time in eligible private schools within 7 days of approval by the parent and private school. Additionally, the bill requires that within 30 days of the release of funds to the SFO, the SFO must report to the DOE the amount of funds distributed for student scholarships. If the amount of funds distributed is less than the amount received by the SFO, the DOE is authorized to adjust the amount of subsequent quarterly payments to account for the overpayment.

FES-EO Scholarship Specific Provisions

The bill expands eligibility for an FES-EO scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida. The bill also provides that any student that received a Hope scholarship during the 2023-2024 school year is deemed eligible for an FES-EO scholarship.

The bill clarifies the authorized use of scholarship funds for instructional materials. Specifically, equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

The bill requires that an FES-EO scholarship account for a student attending private school full-time must be closed and remaining funds reverted to the state if the student is unenrolled from an eligible private school for 30 days.

FES-UA Scholarship Specific Provisions

The bill increases the cap on the number of eligible FES-UA scholarships to 5 percent of the state's total exceptional student education full-time equivalent student population, not including gifted students.¹³¹ Additionally, the bill provides an acceleration mechanism whereby the cap will increase by 1 percent for any year where more than 95 percent of the available FES-UA scholarships were funded the prior year.

The bill removes the provision of law relating to the FES-UA wait list as the newly created application and renewal deadlines and required SFO processes provide the framework for handling all FES-UA applications.

The bill expands eligibility for an FES-UA scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida, or whose home of record or state of residence, at the time of renewal, is Florida. The bill also specifies that a student need only be 3 or 4 years of age during the year in which his or her parent applies for an FES-UA scholarship, rather than by September 1.

¹³¹ In 2022-2023 the total statewide number of students in exceptional student education programs, not including gifted, was 428,213. *Membership in Programs for Exceptional Students, Survey 2, 2022-23*, available at <https://www.fldoe.org/core/fileparse.php/7584/urlt/MPES2223.xlsx>.

The bill expands the authorized uses for FES-UA scholarship funds to include prekindergarten programs offered by eligible private schools which participate in the state's scholarship programs and offers education to students in any grades K-12.

The bill requires an SFO to notify parents of students receiving a FES-UA scholarship of available state and local services, including, but not limited to, vocational rehabilitation and blind services and defines transition services as a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student's movement from school to post-school activities, based on the specific student's needs.

The bill requires that the parent of a student receiving a FES-UA scholarship that enrolls full-time in a private school, to approve each payment to the eligible private school before scholarship funds may be released to the school. The parent is prohibited from designating any entity or individual associated with the eligible private school as the parent's attorney in fact to approve the transfer. This change aligns the requirements of FES-UA with other scholarship requirements used to pay eligible private school tuition and fees.

The Hope Scholarship Program

Present Situation

In 2018, the Legislature created the Hope Scholarship Program (HSP) to provide the parent of a public school student subjected to a specified incident¹³² at school the opportunity to transfer the child to another public school or to request a scholarship for the child to enroll in and attend an eligible private school.¹³³ A parent may also choose to enroll their child in a public school located outside the district in which the student resides and request a transportation scholarship.¹³⁴ The HSP is funded by taxpayers who make eligible contributions to SFOs, and in turn, receive a credit against any tax due as a result of the purchase or acquisition of a motor vehicle.¹³⁵ Contingent upon available funds, scholarships are awarded on a first-come, first-served basis to eligible students in kindergarten through grade 12 who report an incident to the school principal.¹³⁶ Unallocated HSP funds beyond the authorized 5 percent carry forward may be used to fund the FTC Program under certain circumstances.¹³⁷

As of January 8, 2024, 538 HSP scholarships have been funded for the 2023-2024.¹³⁸

Effect of Proposed Changes

The bill amends s. 1002.40, F.S., to repeal the scholarship funding portion of the Hope Scholarship Program (HSP), but maintains requirements for parental notification of the opportunity to enroll at another public school and scholarship eligibility to attend an eligible

¹³² Section 1002.40(3), F.S. A specified incident includes: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

¹³³ Section 1002.40(1), F.S.

¹³⁴ Section 1002.40(6)(a), F.S.

¹³⁵ Section 1002.420(2)(d) and (13), F.S.

¹³⁶ Section 1002.420(3) and (6), F.S.

¹³⁷ See s. 1002.40(13), F.S.

¹³⁸ Email, Step Up for Students (January 8, 2024).

private school under the Family Empowerment Scholarship (FES) and Florida Tax Credit (FTC) scholarship programs for students subjected to a specified incident, such as bullying or harassment.¹³⁹ The bill clarifies that all students who received a HSP scholarship in the 2023-2024 school year are eligible for scholarships under the FTC and FES-EO scholarship programs.

The bill maintains the tax credits created for the HSP and transfers the tax credit revenue to the FTC scholarship program to provide additional funding for scholarships under that program. The bill updates the provisions of law governing eligible contributions to the FTC scholarship program to include those eligible contributions previously allocated to the HSP.

Department of Education and Scholarship Funding Organization Responsibilities

Present Situation

Department of Education Responsibilities

The Department of Education (DOE) must fulfill the following responsibilities for all state scholarship programs:¹⁴⁰

- Annually verify the private schools eligible to participate.
- Establish a toll-free hotline to provide parents and private schools with information about participating in the scholarship programs.
- Establish a process to allow individuals to notify the DOE of violations of state law relating to a scholarship program.
- Annually receive and retain from every participating private school a notarized, sworn compliance statement certifying compliance with state law.
- Coordinate with the entities conducting the health inspections and fire inspections for private schools to obtain copies of the inspection reports directly from the entities.
- Provide, at no cost to the school, the statewide, standardized assessments and any related materials for administering the assessments.
- Conduct site visits to schools entering a scholarship program for the first time. A school is not eligible to receive scholarship funds until a satisfactory site visit is completed and the school complies with all other requirements in law.
- Maintain, and annually publish, a list of nationally norm-referenced tests identified for purposes of satisfying scholarship program assessment requirements.¹⁴¹

The DOE is authorized to conduct site visits to any private school participating in a state scholarship program that has received a complaint about a violation of state law or SBE rule or has received a notice of noncompliance or a notice of proposed action within the previous two years.¹⁴² The DOE must annually submit, by December 15, a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes its implementation of the accountability measures in the scholarship programs, any substantiated allegations or violations of law or rule by a private school, and the corrective action taken.¹⁴³

¹³⁹ A specified incident includes: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school. Section 1002.40(3), F.S.

¹⁴⁰ Section 1002.421(2)(a), F.S.

¹⁴¹ Sections 1002.394(8)(a)3. and 1002.395(9)(e), F.S.

¹⁴² Section 1002.421(2)(b), F.S.

¹⁴³ Section 1002.421(2)(c), F.S.

The DOE is required to issue a project grant award to a state university, to which participating private schools and Scholarship Funding Organizations (SFO) must report the scores of participating scholarship students and personalized education plan (PEP) students, respectively, on the nationally norm-referenced tests or the statewide assessments administered by the private school in grades 3 through 10.¹⁴⁴ The state university must annually report to the DOE on the student performance of participating students and, beginning with the 2027-2028 school year, on the performance of PEP students.¹⁴⁵

- On a statewide basis, the report is required to include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program.
- On an individual school basis, the annual report is required to include student performance for each participating private school with any enrolled students participating in the FTC, Family Empowerment Scholarship for students attending private school (FES-EO), or HSP program in the prior school year.

The DOE must report, as part of the determination of full-time equivalent membership, all students who are receiving a Family Empowerment Scholarship (FES) scholarship program and are funded in the FEFP.¹⁴⁶ The DOE must inform SFOs that students may not be submitted for FES funding after February 1, each year.¹⁴⁷ To assist school districts in their budgeting processes, the DOE must report to school districts the consensus estimate of FTC and FES-EO enrollment in the subsequent school year.¹⁴⁸

Scholarship Funding Organization Responsibilities

Florida's scholarship programs are administered by DOE-approved SFOs.¹⁴⁹ The DOE is required to have at least two application periods each year in which charitable organizations may apply to participate in the Florida's scholarship programs.¹⁵⁰ A SFO must be a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a Florida based charitable organization that complies with scholarship program requirements.¹⁵¹ There are currently two SFOs approved to administer the FES-EO, the FES-UA, the FTC, the HSP, and the New Worlds Scholarship programs.¹⁵²

¹⁴⁴ Section 1002.395(9)(f), F.S.

¹⁴⁵ Section 1002.395(9)(f)1., F.S.

¹⁴⁶ Section 1002.394(8)(a)2., F.S.

¹⁴⁷ Section 1002.394(8)(a)4., F.S.

¹⁴⁸ Section 1002.394(8)(c), F.S.

¹⁴⁹ Florida Department of Education, *Scholarship Funding Organizations*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/> (last visited Jan. 24, 2024).

¹⁵⁰ Section 1002.395(15), F.S.

¹⁵¹ Section 1002.395(1)(f), F.S.

¹⁵² Florida Department of Education, *Scholarship Funding Organizations*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/> (last visited Jan. 24, 2024). Specifically, the A.A.A. Scholarship Foundation administers FTC, FES-EO, PEP, and FES-UA scholarships while Step Up for Students administers FTC, PEP, FES-EO, FES-UA, HOPE, and New Worlds Scholarship Program scholarships. See A.A.A. Scholarship Foundation, *Florida Parents*, <https://www.aaascholarships.org/parents/florida/> (last visited Jan. 24, 2024) and Step Up For Students, *Scholarships to Give Florida Students Educational Options*, <https://www.stepupforstudents.org/scholarships/> (last visited Jan. 24, 2024).

Each SFO administering FES scholarships is required to submit a quarterly report to the DOE containing, at a minimum the following:¹⁵³

- The number of students participating in the program;
- The demographics of program participants;
- The disability category of program participants;
- The matrix level of services, if known;
- The program award amount per student;
- The total expenditures for the FES-UA authorized purposes;
- The types of providers of services to students; and
- Any other information deemed necessary by the department.

Each SFO administering FTC scholarships is required to submit a quarterly report to the DOE containing, at a minimum the following:¹⁵⁴

- The number of students participating in the program;
- The private schools at which participating students are enrolled; and
- Any other information deemed necessary by the department.

A SFO administering FTC and FES-EO scholarships is required to expend an amount equal to or greater than 75 percent of all estimated net eligible contributions, and all funds carried forward from the prior state fiscal year remaining after administrative expenses before funding any FES-EO scholarships. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year.¹⁵⁵

As a part of their duties of management and distribution of scholarships, a SFO is authorized to use, from tax credit contributions received, up to 3 percent of the total amount of scholarships funded by the SFO for administrative expenses.¹⁵⁶

To provide guidance to scholarship recipients on allowable expenditures under Florida's scholarship programs, SFOs must participate in a joint development of agreed-upon purchasing guidelines. The jointly developed purchasing guidelines must be provided to the commissioner and published to the SFO's website by December 31, 2023, and annually thereafter.¹⁵⁷ The guidelines remain in effect until there is unanimous agreement to revise the guidelines, which must be provided to the commissioner and published within 30 days of any such revisions.¹⁵⁸

Effect of Proposed Changes

Department of Education Responsibilities

The bill amends sections 1002.395 and 1002.394, F.S., to require that the Department of Education (DOE) notify all Scholarship Funding Organizations (SFO) of the deadlines for

¹⁵³ Section 1002.394(8)(a)11., F.S.

¹⁵⁴ Section 1002.395(9)(i), F.S.

¹⁵⁵ Section 1002.395(6)(l)2., F.S.

¹⁵⁶ Sections 1003.394(11)(a)4. and 1003.395(6)(j)1., F.S. For SFOs offering FTC scholarships, the organization may use eligible contributions for administrative expenses only if they have had no findings of material weakness or material noncompliance in its annual financial audit for the preceding 3 fiscal years. Section 1003.395(6)(j)1., F.S.

¹⁵⁷ Section 1002.395(6)(t), F.S.

¹⁵⁸ *Id.*

submitting the verified list of scholarship students and clarifies that in conducting its cross-check of the list of scholarship students provided by a SFO, the DOE must use the full-time equivalent student membership data to avoid duplication.

The bill updates the requirements for the annual report the DOE must require from SFOs to include the following information:

- The number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received.
- Data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and approved.
- Any parent input and feedback collected regarding the program.

Scholarship Funding Organization Responsibilities

The bill amends sections 1002.395 and 1002.394, F.S., to require each SFO establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

For an SFO administering the FTC scholarship program, the bill requires that a SFO annually expend 100 percent of any eligible contributions from the prior fiscal year and at least 75 percent of eligible contributions during the fiscal year in which they are received.

The bill requires that the calculation of the 25 percent authorized to be carried forward occur on June 30, rather than September 30, as previously authorized. Any funds that are in excess of the authorized 25 percent must be used to provide scholarships or transferred to other SFOs to provide scholarships. The early deadline provided for in the bill will assist in getting available funds to a SFO that can use them for scholarships earlier. These changes will maximize the number of FTC scholarships awarded prior to the award of FES-EO scholarships.

The bill clarifies that new scholarships are awarded on a first-come, first served basis unless income prioritization is selected. The SFO is only required to verify income of parents seeking a priority award.

The bill clarifies the prohibition on an SFO owner or operator also owning or operating a participating private school or for his or her child to receive a choice scholarship.

The bill revises the requirements for the development of purchasing guidelines by requiring the joint-development of such guidelines for FTC and FES-EO by all approved SFOs and requiring that all SFOs assist the Florida Center for Students with Unique Abilities with the development of purchasing guidelines for FES-UA scholarships and to publish the guidelines on the SFO website.

The bill authorizes a charitable organization seeking to be an approved SFO to apply with the DOE at any time, rather than the previous requirement that DOE have at least two application periods.

Florida Center for Students with Unique Abilities

Present Situation

The responsibilities of the Florida Center for Students with Unique Abilities (center) include, but are not limited to disseminating information regarding: education programs, services and resources available at eligible institutions; supports, accommodations, technical assistance or training provided by eligible institutions, the advisory council or regional autism centers; and mentoring, networking and employment opportunities; and coordinating, facilitating and overseeing statewide implementation of the Florida Postsecondary Comprehensive Transition Program (FPCTP).¹⁵⁹

The center provides technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors and staff at eligible institutions by holding meetings and annual workshops, facilitating collaboration between institutions and school districts, private schools, and parents of students enrolled in home education programs, assisting eligible institutions with applications, and monitoring federal and state law relating to the program.¹⁶⁰

Effect of Proposed Changes

The bill amends s.1004.6495, F.S., to require that, effective upon becoming law, the Florida Center for Students with Unique Abilities, in collaboration with scholarship funding organizations (SFO) and scholarship parents of a student with a disability develop the purchasing guidelines to be used by the SFOs administering FES-UA scholarships. The initial purchasing guidelines must be published by July 1, 2024, and, thereafter, revised guidelines must be published annually by July 1.

Virtual Instruction Programs

Present Situation

Virtual instruction programs are programs of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time, space, or both.¹⁶¹ Under Florida law,¹⁶² a school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

- School district operated part-time or full-time virtual instruction programs for kindergarten through grade 12 students enrolled in the school district. A full-time program must operate under its own Master School Identification Number.
- Florida Virtual School instructional services.
- Blended learning instruction provided by charter schools.
- Virtual charter school instruction.

¹⁵⁹ Section 1004.6495(5)(a)-(b), F.S.

¹⁶⁰ Section 1004.6495(5)(d), F.S.

¹⁶¹ Section 1002.45(1)(a)3., F.S.

¹⁶² Chapter 2011-137, L.O.F.

- Courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques.
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state.¹⁶³

School districts are required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.¹⁶⁴ School districts must also provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year.¹⁶⁵ The DOE must annually publish on its website a list of providers approved by the SBE to offer virtual instruction programs in this state.¹⁶⁶ To be approved, a virtual instruction program provider must document that it is nonsectarian in its programs, admission policies, employment practices, and operations.¹⁶⁷

Effect of Proposed Changes

The bill amends s. 1002.45, F.S., to remove the requirement for a virtual provider to document that it is nonsectarian in its programs, admission policies, employment practices, and operations.

The bill takes effect July 1, 2024, except as otherwise expressly provided.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

¹⁶³ Section 1002.321(3), F.S.

¹⁶⁴ Section 1002.45(1)(b)1., F.S.

¹⁶⁵ *Id.*

¹⁶⁶ Section 1002.45(2)(a), F.S.

¹⁶⁷ Section 1002.45(2)(a)1., F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill changes the annual increase of the maximum number of students participating, or cap, in the FES-UA program from 3 percent to 5 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students.¹⁶⁸

During Special Session 2023C, HB 3C became chapter 2023-350, Laws of Florida, which amended the cap for Fiscal Year 2023-2024 to the number of students the scholarship-funding organizations (SFO) and the Department of Education (DOE) determined eligible. The deadline for applying for a Fiscal Year 2023-2024 FES-UA scholarship was December 15, 2023. As of December 20, 2023, the Department of Education provided scholarship payment data that shows 45,039 FES-UA scholarships that are included in the cap have been funded. It is expected that this number will increase once the SFOs and DOE have completed their respective review and eligibility verification; however, for purposes of this fiscal analysis, 45,039 scholarships have been used.

| Estimated Fiscal Impact of the Bill | |
|---|-----------------|
| Changing the 3 percent annual increase to 5 percent | \$106.0 million |
| Estimated Number of Students Within Cap for Fiscal Year 2024-2025 | 70,772 |

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁶⁸ Section 1002.394(12)(b), F.S., exempts the following types of student from the maximum number of students requirement: (1) students who received instructional services under the Voluntary Prekindergarten Education program during the previous school year and have a current IEP, (2) is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child, or spent the prior school year in attendance at a Florida public school.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.1832, 213.053, 1002.394, 1002.395, 1002.40, 1002.421, 1002.45, 1003.4156, 1003.4282, 1003.485, and 1004.6495.

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

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

None.

B. Amendments:

None.

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

FOR CONSIDERATION By the Committee on Education Pre-K -12

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1 A bill to be entitled
 2 An act relating to education; amending s. 212.1832,
 3 F.S.; providing definitions; expanding the credit
 4 contributions for eligible nonprofit scholarship-
 5 funding organizations; providing requirements for such
 6 contributions; providing requirements for dealers,
 7 designated agents, private tag agents, and such
 8 organizations relating to such contributions;
 9 providing criminal penalties; requiring persons
 10 convicted of a specified offense to make restitutions
 11 to certain eligible nonprofit scholarship-funding
 12 organizations; requiring the Department of Revenue to
 13 notify affected organizations of specified dealer
 14 information under certain circumstances; providing
 15 penalties for certain dealers, designated agents,
 16 private tag agents, and such organizations; amending
 17 s. 213.053, F.S.; conforming cross-references to
 18 changes made by the act; amending s. 1002.394, F.S.;
 19 revising eligibility requirements for the Family
 20 Empowerment Scholarship Program; providing that
 21 equipment used as instructional materials may only be
 22 purchased for specified academic subjects; providing
 23 that transition services are a coordinated set of
 24 specified activities; authorizing funds to be used for
 25 certain prekindergarten programs; prohibiting certain
 26 eligible students from enrolling in public schools;
 27 providing an exemption to a prohibition against
 28 receiving other educational scholarships; providing
 29 additional criteria for the closure of scholarship

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30 accounts and the reversion of funds to the state;
 31 revising the information that such organizations must
 32 include in their quarterly reports; authorizing the
 33 Department of Education to provide guidance to certain
 34 private schools; revising the documentation that
 35 private schools must provide to such organizations;
 36 revising the process for parents to provide certain
 37 notification to such organizations; prohibiting a
 38 parent from applying for multiple scholarships under
 39 specified programs for a single student at the same
 40 time; requiring such organizations to establish
 41 certain processes; requiring such organizations to
 42 submit specified information to the department;
 43 deleting a requirement that certain students be placed
 44 on a wait list; requiring such organizations to
 45 provide certain notification to parents; revising
 46 provisions relating to a specified administrative fee;
 47 revising provisions relating to increasing the number
 48 of certain scholarships; revising provisions relating
 49 to the payment and disbursement of funds; amending s.
 50 1002.395, F.S.; revising eligibility requirements for
 51 the Florida Tax Credit Scholarship Program;
 52 prohibiting certain eligible students from enrolling
 53 in public schools; providing an exemption to a
 54 prohibition against receiving other educational
 55 scholarships; providing that equipment used as
 56 instructional materials may only be purchased for
 57 specified academic subjects; revising the process for
 58 parents to provide certain notification to such

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59 organizations; prohibiting a parent from applying for
 60 multiple scholarships under specified programs for a
 61 single student at the same time; requiring such
 62 organizations to establish certain processes;
 63 requiring such organizations to assist the Florida
 64 Center for Students with Unique Abilities with the
 65 development of specified guidelines and to publish
 66 such guidelines on their websites; revising department
 67 notification requirements; revising the information
 68 that such organizations must include in their
 69 quarterly reports; revising provisions relating to the
 70 payment and disbursement of funds; authorizing a
 71 charitable organization to apply at any time to
 72 participate in the program as a scholarship-funding
 73 organization; amending s. 1002.40, F.S.; revising
 74 requirements for the Hope Scholarship Program;
 75 amending s. 1002.421, F.S.; revising requirements for
 76 regular and direct contact for certain students;
 77 amending s. 1002.45, F.S.; deleting a requirement that
 78 virtual instruction program providers be nonsectarian;
 79 amending s. 1003.4156, F.S.; providing that certain
 80 requirements apply to middle grade students
 81 transferring from a personalized education program;
 82 amending s. 1003.4282, F.S.; providing that certain
 83 requirements apply to high school students
 84 transferring from a personalized education program;
 85 amending s. 1003.485, F.S.; conforming cross-
 86 references to changes made by the act; amending s.
 87 1004.6495, F.S.; requiring the Florida Center for

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88 Students with Unique Abilities to develop specified
 89 purchasing guidelines by a specified date and annually
 90 revise such guidelines; providing requirements for the
 91 development and revision of such guidelines; requiring
 92 that such guidelines be provided to specified eligible
 93 nonprofit scholarship-funding organizations; providing
 94 effective dates.

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

98 Section 1. Section 212.1832, Florida Statutes, is amended
 99 to read:

100 212.1832 Credit for contributions to eligible nonprofit
 101 scholarship-funding organizations.—

102 (1) As used in this section, the term:

103 (a) "Designated agent" has the same meaning as in s.
 104 212.06(10).

105 (b) "Eligible contribution" or "contribution" means a
 106 monetary contribution from a person purchasing a motor vehicle,
 107 subject to the restrictions provided in this section, to an
 108 eligible nonprofit scholarship-funding organization. The person
 109 making the contribution may not designate a specific student as
 110 the beneficiary of the contribution.

111 (c) "Eligible nonprofit scholarship-funding organization"
 112 or "organization" has the same meaning as in s. 1002.395(2).

113 (d) "Motor vehicle" has the same meaning as in s.
 114 320.01(1)(a), but does not include a heavy truck, truck tractor,
 115 trailer, or motorcycle.

116 (2)(i) The purchaser of a motor vehicle shall be granted a

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117 credit of 100 percent of an eligible contribution made to an
 118 eligible nonprofit scholarship-funding organization under this
 119 section ~~s. 1002.40~~ against any tax imposed by the state under
 120 this chapter and collected from the purchaser by a dealer,
 121 designated agent, or private tag agent as a result of the
 122 purchase or acquisition of a motor vehicle, except that a credit
 123 may not exceed the tax that would otherwise be collected from
 124 the purchaser by a dealer, designated agent, or private tag
 125 agent. Each eligible contribution is limited to a single payment
 126 of \$105 per motor vehicle purchased at the time of purchase of a
 127 motor vehicle or a single payment of \$105 per motor vehicle
 128 purchased at the time of registration of a motor vehicle that
 129 was not purchased from a dealer, except that a contribution may
 130 not exceed the state tax imposed under this chapter that would
 131 otherwise be collected from the purchaser by a dealer,
 132 designated agent, or private tag agent. Payments of
 133 contributions shall be made to a dealer at the time of purchase
 134 of a motor vehicle or to a designated agent or private tag agent
 135 at the time of registration of a motor vehicle that was not
 136 purchased from a dealer. An eligible contribution shall be
 137 accompanied by a contribution election form provided by the
 138 Department of Revenue. The form shall include, at a minimum, the
 139 following brief description of the Florida Tax Credit
 140 Scholarship Program: "THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM
 141 PROVIDES A STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO
 142 ATTEND AN ELIGIBLE PRIVATE SCHOOL OR PERSONALIZE HIS OR HER
 143 EDUCATION." The form shall also include, at a minimum, a section
 144 allowing the consumer to designate, from all participating
 145 scholarship-funding organizations, which organization will

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146 receive his or her donation. For purposes of this subsection,
 147 the term "purchase" does not include the lease or rental of a
 148 motor vehicle.
 149 (3)(2) A dealer shall take a credit against any tax imposed
 150 by the state under this chapter on the purchase of a motor
 151 vehicle in an amount equal to the credit granted to the
 152 purchaser under subsection (2) ~~(1)~~.
 153 (a) A dealer, designated agent, or private tag agent shall:
 154 1. Provide the purchaser the contribution election form, as
 155 provided by the department, at the time of purchase of a motor
 156 vehicle or at the time of registration of a motor vehicle that
 157 was not purchased from a dealer.
 158 2. Collect eligible contributions.
 159 3. Using a form provided by the department, which shall
 160 include the dealer's or agent's federal employer identification
 161 number, remit to an organization no later than the date the
 162 return filed pursuant to s. 212.11 is due the total amount of
 163 contributions made to that organization and collected during the
 164 preceding reporting period. Using the same form, the dealer or
 165 agent shall also report this information to the department no
 166 later than the date the return filed pursuant to s. 212.11 is
 167 due.
 168 4. Report to the department on each return filed pursuant
 169 to s. 212.11 the total amount of credits granted under this
 170 section for the preceding reporting period.
 171 (b) An eligible nonprofit scholarship-funding organization
 172 shall report to the department, on or before the 20th day of
 173 each month, the total amount of contributions received pursuant
 174 to paragraph (a) in the preceding calendar month on a form

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provided by the department. Such report shall include:

1. The federal employer identification number of each designated agent, private tag agent, or dealer who remitted contributions to the organization during that reporting period.

2. The amount of contributions received from each designated agent, private tag agent, or dealer during that reporting period.

(c) A person who, with the intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft, punishable as follows:

1. If the total amount stolen is less than \$300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount stolen is \$300 or more, but less than \$20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount stolen is \$20,000 or more, but less than \$100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount stolen is \$100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) A person convicted of an offense under paragraph (c)

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shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

(e) Upon a finding that a dealer failed to remit a contribution under subparagraph (a)3. for which the dealer claimed a credit pursuant to this subsection, the department shall notify the affected organizations of the dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to this subsection and amounts remitted to the eligible nonprofit scholarship-funding organization under subparagraph (a)3.

(f) Any dealer, designated agent, private tag agent, or organization that fails to timely submit reports to the department as required in paragraphs (a) and (b) is subject to a penalty of \$1,000 for every month, or part thereof, the report is not submitted, up to a maximum amount of \$10,000. Such penalty shall be collected by the department and shall be transferred into the General Revenue Fund. Such penalty must be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not due to willful negligence, willful neglect, or fraud.

~~(4)-(3)~~ For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. Section 1002.395 applies ~~The provisions of s. 1002.40 apply~~ to the credit authorized by this section.

Section 2. Paragraph (a) of subsection (22) of section

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213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(22) (a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.395 ~~or 1002.40~~, a dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization pursuant to s. 212.1832(3)(a)3. ~~under s. 1002.40(13)(b)3.~~ The eligible nonprofit scholarship-funding organization may use the information for purposes of recovering eligible contributions designated for that organization that were collected by the dealer but never remitted to the organization.

Section 3. Subsections (3) and (4), paragraphs (a), (b), and (c) of subsection (5), paragraphs (a), (c), and (d) of subsection (6), paragraph (d) of subsection (7), paragraph (a) of subsection (8), paragraph (b) of subsection (9), and subsections (10), (11), (12), and (16) of section 1002.394, Florida Statutes, as amended by chapter 2023-350, Laws of Florida, are amended, and paragraph (d) is added to subsection (8) of that section, to read:

1002.394 The Family Empowerment Scholarship Program.—

(3) SCHOLARSHIP ELIGIBILITY.—

(a)1. A parent of a student may apply for ~~request~~ and receive from the state a scholarship for the purposes specified in paragraph (4)(a) if the student:

a. Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has

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received permanent change of station orders to this state; and
b. Is eligible to enroll in kindergarten through grade 12 in a public school in this state or received a scholarship under the Hope Scholarship Program in the 2023-2024 school year.

2. Priority must be given in the following order:

a. A student whose household income level does not exceed 185 percent of the federal poverty level or who is in foster care or out-of-home care.

b. A student whose household income level exceeds 185 percent of the federal poverty level, but does not exceed 400 percent of the federal poverty level.

(b) A parent of a student with a disability may apply for ~~request~~ and receive from the state a scholarship for the purposes specified in paragraph (4)(b) if the student:

1. Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida;

2. Is 3 or 4 years of age during ~~on or before September 1~~ of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a public school in this state;

3. Has a disability as defined in subsection (2); and

4. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490,

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or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

~~(c) An approved student who does not receive a scholarship must be placed on the wait list in the order in which the student is approved. An eligible student who does not receive a scholarship within the fiscal year must be retained on the wait list for the subsequent year.~~

(4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

1. Tuition and fees at an eligible private school.

2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

3. Instructional materials, including digital materials and Internet resources. Equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

4. Curriculum as defined in subsection (2).

5. Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program

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

6. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

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

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

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(b) Program funds awarded to a student with a disability determined eligible pursuant to paragraph (3)(b) may be used for the following purposes:

1. Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.

2. Curriculum as defined in subsection (2).

3. Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

a. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

b. Services provided by speech-language pathologists as defined in s. 468.1125(8).

c. Occupational therapy as defined in s. 468.203.

d. Services provided by physical therapists as defined in s. 486.021(8).

e. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who has a hearing impairment, including deafness, and who has received an implant or assistive hearing device.

4. Tuition and fees associated with full-time or part-time enrollment in a home education program; an eligible private school; an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as

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defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

5. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

6. Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981 for the benefit of the eligible student.

7. Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (6) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has

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demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

9. Fees for specialized summer education programs.

10. Fees for specialized after-school education programs.

11. Transition services provided by job coaches. Transition services are a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student's movement from school to postschool activities and are based on the student's needs.

12. Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(f), if this option is chosen for a home education student.

13. Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55, ~~and~~ school readiness providers approved pursuant to s. 1002.88, and prekindergarten programs offered by an eligible private school.

14. Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

15. Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

(5) TERM OF SCHOLARSHIP.—For purposes of continuity of

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educational choice:

(a)1. A scholarship ~~funded awarded~~ to an eligible student pursuant to paragraph (3)(a) shall remain in force until:

a. The organization determines that the student is not eligible for program renewal;

b. The Commissioner of Education suspends or revokes program participation or use of funds;

c. The student's parent has forfeited participation in the program for failure to comply with subsection (10);

d. The student, who uses the scholarship for tuition and fees pursuant to subparagraph (4)(a)1., enrolls in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

e. The student graduates from high school or attains 21 years of age, whichever occurs first.

2.a. The student's scholarship account must be closed and any remaining funds shall revert to the state after:

(I) Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to paragraph (4)(a); ~~or~~

(II) Two consecutive fiscal years in which an account has been inactive; or

(III) A student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment.

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b. Reimbursements for program expenditures may continue until the account balance is expended or remaining funds have reverted to the state.

(b)1. A scholarship ~~funded awarded~~ to an eligible student pursuant to paragraph (3)(b) shall remain in force until:

a. The parent does not renew program eligibility;

b. The organization determines that the student is not eligible for program renewal;

c. The Commissioner of Education suspends or revokes program participation or use of funds;

d. The student's parent has forfeited participation in the program for failure to comply with subsection (10);

e. The student enrolls full time in a public school; or

f. The student graduates from high school or attains 22 years of age, whichever occurs first.

2. Reimbursements for program expenditures may continue until the account balance is expended or the account is closed.

3. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to subparagraph

(4)(b)6., shall revert to the state after:

a. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (4);

b. Any period of 3 consecutive years after high school

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completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or

c. Two consecutive fiscal years in which an account has been inactive.

(c) Upon reasonable notice to the organization and the school district, the student's parent may remove the student from the participating private school and place the student in a public school in accordance with this section.

(6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a Family Empowerment Scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholars Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school;

(c) Receiving any other educational scholarship pursuant to this chapter. However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a scholarship for transportation pursuant to subparagraph (4)(a)2.;

(d) Not having regular and direct contact with his or her private school teachers pursuant to s. 1002.421(1)(i), unless he or she is eligible pursuant to paragraph (3)(b) and enrolled in

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the participating private school's transition-to-work program pursuant to subsection (16) or a home education program pursuant to s. 1002.41;

(7) SCHOOL DISTRICT OBLIGATIONS.—

(d) Upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. For a student who participates in the Family Empowerment Scholarship Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends a participating private school shall provide locations and times to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

1. Provision of training for private school staff on test security and assessment administration procedures;

2. Distribution of testing materials to a private school;

3. Retrieval of testing materials from a private school;

4. Provision of the required format for a private school to submit information to the district for test administration and enrollment purposes; and

5. Provision of any required assistance, monitoring, or investigation at a private school.

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:

1. Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship

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Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.

2. Report, as part of the determination of full-time equivalent membership pursuant to s. 1011.62(1)(a), all ~~scholarship students who are receiving a scholarship under the program and are~~ funded through the Florida Education Finance Program, and cross-check the list of ~~participating~~ scholarship students submitted by the eligible nonprofit scholarship-funding organization with the full-time equivalent student membership survey data ~~public school enrollment lists~~ to avoid duplication.

3. Maintain and annually publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (9)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students ~~determined to be eligible for a scholarship. An eligible nonprofit scholarship-funding organization may not submit a student for funding after February 1.~~

5. Deny or terminate program participation upon a parent's failure to comply with subsection (10).

6. Notify the parent and the organization when a scholarship account is closed and program funds revert to the state.

7. Notify an eligible nonprofit scholarship-funding organization of any of the organization's or other organization's identified students who are receiving

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scholarships under this chapter.

8. Maintain on its website a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

9. Require each organization to verify eligible expenditures before the distribution of funds for any expenditures made pursuant to subparagraphs (4)(b)1. and 2. Review of expenditures made for services specified in subparagraphs (4)(b)3.-15. may be completed after the purchase is made.

10. Investigate any written complaint of a violation of this section by a parent, a student, a participating private school, a public school, a school district, an organization, a provider, or another appropriate party in accordance with the process established under s. 1002.421.

11. Require quarterly reports by an organization, which must include, at a minimum, the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per student; the total expenditures for the purposes specified in paragraph (4)(b); the types of providers of services to students; the number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received; data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and the average number of

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days for a reimbursement to be approved; any parent input and feedback collected regarding the program; and any other information deemed necessary by the department.

12. Notify eligible nonprofit scholarship-funding organizations that scholarships may not be awarded in a school district in which the award will exceed 99 percent of the school district's share of state funding through the Florida Education Finance Program as calculated by the department.

13. Adjust payments to eligible nonprofit scholarship-funding organizations and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check completed pursuant to subparagraph 2.

(d) The department may provide guidance to a participating private school that submits a transition-to-work program plan pursuant to subsection (16).

(9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the Family Empowerment Scholarship Program, a private school may be sectarian or nonsectarian and must:

(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required by the organization to process scholarship payment under subparagraph (12)(a)4. Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section at least 30 days before any

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quarterly scholarship payment is made for the student pursuant to paragraph (12)(a). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the this deadline.

If a private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the private school is ineligible to participate in the scholarship program.

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

(a) A parent who applies for a scholarship ~~applies for program participation~~ under paragraph (3)(a) whose student will be enrolled full time in an eligible a private school must:

1. Select an eligible ~~the~~ private school and apply for the admission of his or her student.

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

3.a. Beginning with new applications for the 2025-2026 school year and thereafter, notify the organization by December 15 that the scholarship is being accepted or declined.

b. Beginning with renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being renewed or declined.

4.3- Inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school.

5.4- Require his or her student participating in the

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program to remain in attendance at the eligible private school throughout the school year unless excused by the school for illness or other good cause.

6.5- Meet with the eligible private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment.

7.6- Require his or her ~~that the~~ student participating in the ~~scholarship~~ program to take ~~takes~~ the norm-referenced assessment offered by the eligible private school. The parent may also choose to have the student participate in the statewide assessments pursuant to paragraph (7)(d). If the parent requests that the student participating in the program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

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

9.8- Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the eligible private school before using scholarship ~~empowerment~~ account funds for additional authorized uses under paragraph (4)(a). A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

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697 10. Comply with the scholarship application and renewal
 698 processes and requirements established by the organization.

699 (b) A parent who applies for a scholarship ~~applies for~~
 700 ~~program participation~~ under paragraph (3)(b) is exercising his
 701 or her parental option to determine the appropriate placement or
 702 the services that best meet the needs of his or her child and
 703 must:

704 1. Apply to an eligible nonprofit scholarship-funding
 705 organization to participate in the program by a date set by the
 706 organization. The request must be communicated directly to the
 707 organization in a manner that creates a written or electronic
 708 record of the request and the date of receipt of the request.

709 2.a. Beginning with new applications for the 2025-2026
 710 school year and thereafter, notify the organization by December
 711 15 that the scholarship is being accepted or declined.

712 b. Beginning with renewal applications for the 2025-2026
 713 school year and thereafter, notify the organization by May 31
 714 that the scholarship is being renewed or declined.

715 3.2- Sign an agreement with the organization and annually
 716 submit a sworn compliance statement to the organization to
 717 satisfy or maintain program eligibility, including eligibility
 718 to receive and spend program payments by:

719 a. Affirming that the student is enrolled in a program that
 720 meets regular school attendance requirements as provided in s.
 721 1003.01(16)(b), (c), or (d).

722 b. Affirming that the program funds are used only for
 723 authorized purposes serving the student's educational needs, as
 724 described in paragraph (4)(b); that any prepaid college plan or
 725 college savings plan funds contributed pursuant to subparagraph

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726 (4)(b)6. will not be transferred to another beneficiary while
 727 the plan contains funds contributed pursuant to this section;
 728 and that they will not receive a payment, refund, or rebate of
 729 any funds provided under this section.

730 c. Affirming that the parent is responsible for all
 731 eligible expenses in excess of the amount of the scholarship and
 732 for the education of his or her student by, as applicable:

733 (I) Requiring the student to take an assessment in
 734 accordance with paragraph (9)(c);

735 (II) Providing an annual evaluation in accordance with s.
 736 1002.41(1)(f); or

737 (III) Requiring the child to take any preassessments and
 738 postassessments selected by the provider if the child is 4 years
 739 of age and is enrolled in a program provided by an eligible
 740 Voluntary Prekindergarten Education Program provider. A student
 741 with disabilities for whom the physician or psychologist who
 742 issued the diagnosis or the IEP team determines that a
 743 preassessment and postassessment is not appropriate is exempt
 744 from this requirement. A participating provider shall report a
 745 student's scores to the parent.

746 d. Affirming that the student remains in good standing with
 747 the provider or school if those options are selected by the
 748 parent.

749 e. Enrolling his or her child in a program from a Voluntary
 750 Prekindergarten Education Program provider authorized under s.
 751 1002.55, a school readiness provider authorized under s.
 752 1002.88, a prekindergarten program offered by an eligible
 753 private school, or an eligible private school if ~~either option~~
 754 ~~is~~ selected by the parent.

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f. Comply with the scholarship application and renewal processes and requirements established by the organization ~~Renewing participation in the program each year.~~ A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to subparagraph (5)(b)3. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(e) other than high-risk status.

g. Procuring the services necessary to educate the student. If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. The parent must also approve each payment to the eligible private school before the scholarship funds may be deposited by funds transfer pursuant to subparagraph (12)(a)4. The parent may not designate any entity or individual associated with the eligible private school as the parent's attorney in fact to approve a funds transfer. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education.

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For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an IEP or matrix level of services.

(c) A parent may not apply for multiple scholarships under this section and s. 1002.395 for an individual student at the same time.

(d) (e) A participant who fails to comply with this subsection forfeits the scholarship.

(11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization awarding scholarships to eligible students pursuant to paragraph (3)(a) shall:

1. Establish a process for parents who are in compliance with paragraph (10)(a) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of student admission pursuant to subsection (9). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

2. Establish a process that allows a parent to apply for a new scholarship. The process may begin no earlier than February 1 of the prior school year and must authorize submission of applications until November 15. The process must be in a manner

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that creates a written or electronic record of the application request and the date of receipt of the application request. Applications received after the deadline may be considered for scholarship award in the subsequent fiscal year. The process must require that parents confirm that the scholarship is being accepted or declined by December 15. ~~Must receive applications, determine student eligibility, notify parents in accordance with the requirements of this section, and provide the department with information on the student to enable the department to determine student funding in accordance with paragraph (12)(a).~~

3.2. ~~Shall~~ Verify the household income level of students seeking priority eligibility and submit the verified list of students and related documentation to the department when necessary.

4.3. ~~Shall~~ Award scholarships in priority order pursuant to paragraph (3)(a).

5.4. ~~Shall~~ Establish and maintain separate scholarship empowerment accounts for each eligible student. For each account, the organization must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.

6.5. ~~May~~ Permit eligible students to use program funds for the purposes specified in paragraph (4)(a) by paying for the authorized use directly, then submitting a reimbursement request to the eligible nonprofit scholarship-funding organization. However, an eligible nonprofit scholarship-funding organization may require the use of an online platform for direct purchases of products so long as such use does not limit a parent's choice of curriculum or academic programs. If a parent purchases a

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product identical to one offered by an organization's online platform for a lower price, the organization shall reimburse the parent the cost of the product.

~~6. May, from eligible contributions received pursuant to s. 1002.395(6)(1)1., use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An eligible nonprofit scholarship-funding organization that has, for the prior fiscal year, complied with the expenditure requirements of s. 1002.395(6)(1)2., may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3 percent limit on the total amount an organization may use to administer scholarships under this chapter.~~

7. Must, In a timely manner, submit the verified list of students and any information requested by the department relating to the scholarship under this section.

8. Must Notify the department about any violation of this section.

9. Must Document each student's eligibility for a fiscal year before granting a scholarship for that fiscal year. A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years.

10. Must Notify each parent that participation in the scholarship program does not guarantee enrollment.

11. Shall Commit scholarship funds on behalf of the student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship empowerment account funds for additional authorized

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871 uses under paragraph (4) (a) .

872 (b) An eligible nonprofit scholarship-funding organization
873 awarding scholarships to eligible students pursuant to paragraph
874 (3) (b) shall:

875 1. Establish a process for parents who are in compliance
876 with paragraph (10) (b) to renew their students' scholarships.
877 Renewal applications for the 2025-2026 school year and
878 thereafter must provide for a renewal timeline beginning
879 February 1 of the prior school year and ending April 30 of the
880 prior school year. A student's renewal is contingent upon an
881 eligible private school providing confirmation of student
882 admission pursuant to subsection (9), if applicable. The process
883 must require that parents confirm that the scholarship is being
884 renewed or declined by May 31.

885 2. Establish a process that allows a parent to apply for a
886 new scholarship. The process may begin no earlier than February
887 1 of the prior school year and must authorize the submission of
888 applications until November 15. The process must be in a manner
889 that creates a written or electronic record of the application
890 request and the date of receipt of the application request.
891 Applications received after the deadline may be considered for
892 scholarship award in the subsequent fiscal year. The process
893 must require that parents confirm that the scholarship is being
894 accepted or declined by December 15

895 ~~1. Receive applications, determine student eligibility, and~~
896 ~~notify parents in accordance with the requirements of this~~
897 ~~section. When an application is approved, the organization must~~
898 ~~provide the department with information on the student to enable~~
899 ~~the department to determine student funding in accordance with~~

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900 ~~paragraph (12) (b) .~~

901 ~~2. Establish a date by which a parent must confirm initial~~
902 ~~or continuing participation in the program.~~

903 3. Review applications and award scholarships using the
904 following priorities:

905 ~~a. For the 2021-2022 school year, a student who received a~~
906 ~~Gardiner Scholarship in the 2020-2021 school year and meets the~~
907 ~~eligibility requirements in paragraph (3) (b) .~~

908 ~~a.b. Renewing students from the previous school year.~~

909 ~~c. Students retained on the previous school year's wait~~
910 ~~list.~~

911 ~~b.d. An eligible student who meets the criteria for an~~
912 ~~initial award pursuant to paragraph (3) (b) on a first-come,~~
913 ~~first-served basis.~~

914
915 ~~An approved student who does not receive a scholarship must be~~
916 ~~placed on the wait list in the order in which his or her~~
917 ~~application is approved. A student who does not receive a~~
918 ~~scholarship within the fiscal year shall be retained on the wait~~
919 ~~list for the subsequent fiscal year.~~

920 4. Establish and maintain separate accounts for each
921 eligible student. For each account, the organization must
922 maintain a record of accrued interest that is retained in the
923 student's account and available only for authorized program
924 expenditures.

925 5. Verify qualifying educational expenditures pursuant to
926 the requirements of paragraph (4) (b) .

927 6. Return any remaining program funds to the department
928 pursuant to paragraph (6) (b) .

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7. Notify the parent about the availability of, and the requirements associated with requesting, an initial IEP or IEP reevaluation every 3 years for each student participating in the program.

8. Notify the parent of available state and local services, including, but not limited to, services under chapter 413.

9. In a timely manner, submit to the department the verified list of eligible scholarship students and any information requested by the department relating to the scholarship under this section.

10.8- Notify the department of any violation of this section.

11.9- Document each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b). A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years.

(c) An eligible nonprofit scholarship-funding organization may, from eligible contributions received pursuant to s. 1002.395(6)(1)1., use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An organization that has, for the prior fiscal year, complied with the expenditure requirements of s. 1002.395(6)(1)3. may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3-percent limit on the total amount an organization may use to administer scholarships under this chapter.

(d) An eligible nonprofit scholarship-funding organization

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shall establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

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

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

3.a. For renewing scholarship students, the organization must provide the department with the documentation necessary to verify the student's continued eligibility to participate in the scholarship program at least 30 days before each payment

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participation. Upon receiving the verified list of eligible
 scholarship students ~~documentation~~, the department shall release
~~transfer, beginning August 1,~~ from state funds only, the amount
 calculated pursuant to subparagraph 1. ~~2.~~ to the organization
 for deposit into the student's account in quarterly payments no
later than August 1, November 1, February 1, and April 1 of
~~quarterly disbursement to parents of participating students~~ each
 school year in which the scholarship is in force.

b. For new scholarship students, the organization must
verify the student's eligibility to participate in the
scholarship program at least 30 days before each payment. Upon
receiving the verified list of eligible scholarship students,
the department shall release, from state funds only, the amount
calculated pursuant to subparagraph 1. to the organization for
deposit into the student's account in quarterly payments no
later than September 1, November 1, February 1, and April 1 of
each school year in which the scholarship is in force. For a
student exiting a Department of Juvenile Justice commitment
program who chooses to participate in the scholarship program,
the amount calculated pursuant to subparagraph 1. must be
transferred from the school district in which the student last
attended a public school before commitment to the Department of
Juvenile Justice.

c. The department is authorized to release the state funds
contingent upon verification that the organization will comply
with s. 1002.395(6)(1) based upon the organization's submitted
verified list of eligible scholarship students pursuant to s.
1002.395 ~~For a student exiting a Department of Juvenile Justice~~
~~commitment program who chooses to participate in the scholarship~~

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~~program, the amount of the Family Empowerment Scholarship~~
~~calculated pursuant to subparagraph 2. must be transferred from~~
~~the school district in which the student last attended a public~~
~~school before commitment to the Department of Juvenile Justice.~~
~~When a student enters the scholarship program, the organization~~
~~must receive all documentation required for the student's~~
~~participation, including the private school's and the student's~~
~~fee schedules, at least 30 days before the first quarterly~~
~~scholarship payment is made for the student.~~

4. The initial payment shall be made after the
 organization's verification of admission acceptance, and
 subsequent payments shall be made upon verification of continued
 enrollment and attendance at the participating private school.
Payments for tuition and fees for full-time enrollment shall be
made within 7 business days after approval by the parent
pursuant to paragraph (10)(a) and the private school pursuant to
paragraph (9)(b). Payment must be by funds transfer or any other
 means of payment that the department deems to be commercially
 viable or cost-effective. An organization shall ensure that the
 parent has approved a funds transfer before any scholarship
 funds are deposited.

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

(b)1. For the 2023-2024 school year, the maximum number of
 students participating in the scholarship program under
 paragraph (3)(b) shall be the number of students the
 organization and the department determined eligible pursuant to
 this section. Beginning in the 2024-2025 school year, the

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maximum number of ~~scholarships funded students participating in the scholarship program~~ under paragraph (3)(b) shall annually increase by 5.0 ~~3.0~~ percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. The maximum number of scholarships funded shall increase by 1.0 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students, in the school year following any school year in which the number of scholarships funded exceeds 95 percent of the number of available scholarships for that school year. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which

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includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d), plus a per full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established in s. 1011.62(8), the funds must be allocated based on the school district's average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon

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the school district to which the student would have been assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

4. For a student who received a Gardiner Scholarship pursuant to former s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to former s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. The organization must ~~provide the department with the documentation necessary to~~ verify the student's eligibility to participate in the scholarship program at least 30 days before each payment participation.

7.a. For renewing scholarship students, upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

b. For new scholarship students, upon receiving the

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verified list of eligible scholarship students ~~documentation,~~ the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. ~~student's scholarship funds~~ to the organization for deposit, ~~to be deposited~~ into the student's account in quarterly payments ~~four equal amounts~~ no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

8. If a scholarship student is attending an eligible private school full time, the initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the eligible private school. Payments for tuition and fees for full-time enrollment shall be made within 7 business days after approval by the parent pursuant to paragraph (10)(b) and the private school pursuant to paragraph (9)(b).

9.8. Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

10.9. The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

11.10. An organization may not transfer any funds to an

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account of a student determined to be eligible pursuant to paragraph (3) (b) which has a balance in excess of \$50,000.

~~12.11.~~ Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

(c) An organization may not submit a new scholarship student for funding after February 1.

(d) Within 30 days after the release of state funds pursuant to paragraphs (a) and (b), the eligible scholarship-funding organization shall certify to the department the amount of funds distributed for student scholarships. If the amount of funds released by the department is more than the amount distributed by the organization, the department is authorized to adjust the amount of the overpayment in the subsequent quarterly payment release.

(16) TRANSITION-TO-WORK PROGRAM.—A student with a disability who is determined eligible pursuant to paragraph (3) (b) who is at least 17 years, but not older than 22 years of age and who has not received a high school diploma or certificate of completion is eligible for enrollment in his or her participating private school's transition-to-work program. A transition-to-work program shall consist of academic instruction, work skills training, and a volunteer or paid work experience.

(a) To offer a transition-to-work program, a participating private school must:

1. Develop a transition-to-work program plan, which must include a written description of the academic instruction and work skills training students will receive and the goals for

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students in the program.

2. Submit the transition-to-work program plan to the Office of Independent Education and Parental Choice and consider any guidance provided by the department pursuant to paragraph (8) (d) relating to the plan.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student's parent, the student, and the school principal must sign the personalized plan. The personalized plan must be submitted to the Office of Independent Education and Parental Choice upon request by the office.

4. Provide a release of liability form that must be signed by the student's parent, the student, and a representative of the business offering the volunteer or paid work experience.

5. Assign a case manager or job coach to visit the student's job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.

6. Provide to the parent and student a quarterly report that documents and explains the student's progress and performance in the program.

7. Maintain accurate attendance and performance records for the student.

(b) A student enrolled in a transition-to-work program must, at a minimum:

1. Receive 15 instructional hours at the participating private school's physical facility, which must include academic instruction and work skills training.

2. Participate in 10 hours of work at the student's volunteer or paid work experience.

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1219 (c) To participate in a transition-to-work program, a
 1220 business must:

1221 1. Maintain an accurate record of the student's performance
 1222 and hours worked and provide the information to the
 1223 participating private school.

1224 2. Comply with all state and federal child labor laws.

1225 Section 4. Paragraph (c) of subsection (1), paragraphs (b)
 1226 and (f) of subsection (2), subsection (3), paragraphs (a) and
 1227 (c) of subsection (4), paragraphs (c) through (i) and (l), (p),
 1228 (q), (t), and (w) of subsection (6), subsections (7) and (8),
 1229 paragraphs (d), (e), (f), and (i) of subsection (9), paragraph
 1230 (b) of subsection (10), paragraphs (c), (f), and (h) of
 1231 subsection (11), and subsection (15) of section 1002.395,
 1232 Florida Statutes, are amended, paragraph (y) is added to
 1233 subsection (6), and paragraph (i) is added to subsection (11) of
 1234 that section, to read:

1235 1002.395 Florida Tax Credit Scholarship Program.—

1236 (1) FINDINGS AND PURPOSE.—

1237 (c) The purpose of this section is not to prescribe the
 1238 standards or curriculum for participating private schools. A
 1239 participating private school retains the authority to determine
 1240 its own standards and curriculum.

1241 (2) DEFINITIONS.—As used in this section, the term:

1242 (b) "Choice navigator" means an individual who meets the
 1243 requirements of sub-subparagraph (6)(d)4.h. ~~(6)(d)2.h.~~ and who
 1244 provides consultations, at a mutually agreed upon location, on
 1245 the selection of, application for, and enrollment in educational
 1246 options addressing the academic needs of a student; curriculum
 1247 selection; and advice on career and postsecondary education

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1248 opportunities. However, nothing in this section authorizes a
 1249 choice navigator to oversee or exercise control over the
 1250 curricula or academic programs of a personalized education
 1251 program.

1252 (f) "Eligible contribution" means a monetary contribution
 1253 from a taxpayer, subject to the restrictions provided in this
 1254 section, to an eligible nonprofit scholarship-funding
 1255 organization pursuant to this section and ss. 212.099, 212.1831,
 1256 and 212.1832, ~~and 1002.40.~~ The taxpayer making the contribution
 1257 may not designate a specific child as the beneficiary of the
 1258 contribution.

1259 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

1260 (a) The Florida Tax Credit Scholarship Program is
 1261 established.

1262 (b)1. A student is eligible for a Florida tax credit
 1263 scholarship under this section if the student:

1264 a. Is a resident of this state or the dependent child of an
 1265 active duty member of the United States Armed Forces who has
 1266 received permanent change of station orders to this state or, at
 1267 the time of renewal, whose home of record or state of legal
 1268 residence is Florida; and

1269 b. Is eligible to enroll in kindergarten through grade 12
 1270 in a public school in this state or received a scholarship under
 1271 the Hope Scholarship Program in the 2023-2024 school year.

1272 2. Priority must be given in the following order:

1273 a. A student whose household income level does not exceed
 1274 185 percent of the federal poverty level or who is in foster
 1275 care or out-of-home care.

1276 b. A student whose household income level exceeds 185

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percent of the federal poverty level, but does not exceed 400 percent of the federal poverty level.

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholars Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered a student enrolled full-time in a public school;

(c) Receiving any other educational scholarship pursuant to this chapter. However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a scholarship for transportation pursuant to subparagraph (6)(d)4.;

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

(c) Must not have an owner or operator, as defined in subparagraph (2)(k)1., who owns or operates an eligible private school that is participating in the scholarship program.

(d)1. For the 2023-2024 school year, may fund no more than 20,000 scholarships for students who are enrolled pursuant to paragraph (7)(b). The number of scholarships funded for such students may increase by 40,000 in each subsequent school year.

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This subparagraph is repealed July 1, 2027.

2. Shall establish a process for parents who are in compliance with paragraph (7)(a) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of admission pursuant to subsection (8). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

3. Shall establish a process that allows a parent to apply for a new scholarship. The process must be in a manner that creates a written or electronic record of the application request and the date of receipt of the application request. The process must require that parents confirm that the scholarship is being accepted or declined by a date set by the organization.

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

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

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

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c. Instructional materials, including digital materials and Internet resources. Equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

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

e. Tuition and fees associated with full-time or part-time enrollment in a home education instructional program; an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the Department of Education pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

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

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

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h. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the Department of Education. As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

(e) For students determined eligible pursuant to paragraph (7)(b), must:

1. Establish a process for parents who are in compliance with subparagraph (7)(b)1. to apply for a new scholarship. New scholarship applications for the 2025-2026 school year and thereafter must provide for an application timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm that the scholarship is being accepted or declined by May 31.

2. Establish a process for parents who are in compliance with paragraph (7)(b) to renew their students' scholarships. Renewal scholarship applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm

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that the scholarship is being renewed or declined by May 31.

~~3.1-~~ Maintain a signed agreement from the parent which constitutes compliance with the attendance requirements under ss. 1003.01(16) and 1003.21(1).

~~4.2-~~ Receive eligible student test scores and, beginning with the 2027-2028 school year, by August 15, annually report test scores for students pursuant to paragraph (7)(b) to a state university pursuant to paragraph (9)(f).

~~5.3-~~ Provide parents with information, guidance, and support to create and annually update a student learning plan for their student. The organization must maintain the plan and allow parents to electronically submit, access, and revise the plan continuously.

~~6.4-~~ Upon submission by the parent of an annual student learning plan, fund a scholarship for a student determined eligible.

(f) Must give first priority to eligible renewal students who received a scholarship from an eligible nonprofit scholarship-funding organization ~~or from the State of Florida~~ during the previous school year. The eligible nonprofit scholarship-funding organization must fully apply and exhaust all funds available under this section ~~and s. 1002.40(11)(i)~~ for renewal scholarship awards before awarding any initial scholarships.

(g) Must provide a ~~new renewal or initial~~ scholarship to an eligible student on a first-come, first-served basis unless the student is seeking priority eligibility ~~qualifies for priority~~ pursuant to subsection (3) paragraph (f).

(h) ~~Each eligible nonprofit scholarship-funding~~

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~~organization~~ Must refer any student eligible for a scholarship pursuant to this section who did not receive a renewal or initial scholarship based solely on the lack of available funds under this section ~~and s. 1002.40(11)(i)~~ to another eligible nonprofit scholarship-funding organization that may have funds available.

(i) May not restrict or reserve scholarships for use at a particular eligible private school or provide scholarships to a child of an owner or operator as defined in subparagraph (2)(k)1.

(1)1. May use eligible contributions received pursuant to this section and ss. 212.099, 212.1831, and 212.1832, ~~and 1002.40~~ during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (o) or is in good standing in each state in which it administers a scholarship program and the audited financial statements for the preceding 3 fiscal years are free of material misstatements and going concern issues. Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships funded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships funded under this chapter. Administrative expenses may include developing or contracting with rideshare programs or facilitating carpool

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strategies for recipients of a transportation scholarship under
s. 1002.394. No funds authorized under this subparagraph shall
be used for lobbying or political activity or expenses related
to lobbying or political activity. Up to one-third of the funds
authorized for administrative expenses under this subparagraph
may be used for expenses related to the recruitment of
contributions from taxpayers. An eligible nonprofit scholarship-
funding organization may not charge an application fee.

2. Must expend for annual or partial-year scholarships 100
percent of any eligible contributions from the prior fiscal
year.

3.2- Must expend ~~award~~ for annual or partial-year
scholarships an amount equal to or greater than 75 percent of
all ~~estimated~~ net eligible contributions, as defined in
subsection (2), ~~and all funds carried forward from the prior~~
~~state fiscal year~~ remaining after administrative expenses during
the state fiscal year in which such eligible contributions are
collected before funding any scholarships to students determined
eligible pursuant to s. 1002.394(3)(a). No more than 25 percent
of such net eligible contributions may be carried forward to the
following state fiscal year. All amounts carried forward, for
audit purposes, must be specifically identified for particular
students, by student name and the name of the school to which
the student is admitted, subject to the requirements of ss.
1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
rules and regulations issued pursuant thereto. Any amounts
carried forward shall be expended for annual or partial-year
scholarships in the following state fiscal year. ~~No later than~~
~~September 30 of each year,~~ net Eligible contributions remaining

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on June 30 of each year that are in excess of the 25 percent
that may be carried forward shall be used to provide
scholarships to eligible students or transferred to other
eligible nonprofit scholarship-funding organizations to provide
scholarships for eligible students. All transferred funds must
be deposited by each eligible nonprofit scholarship-funding
organization receiving such funds into its scholarship account.
All transferred amounts received by any eligible nonprofit
scholarship-funding organization must be separately disclosed in
the annual financial audit required under paragraph (o).

4.3- Must, before granting a scholarship for an academic
year, document each scholarship student's eligibility for that
academic year. A scholarship-funding organization may not grant
multiyear scholarships in one approval process.

(p) Must prepare and submit quarterly reports to the
Department of Education pursuant to paragraph (9)(i). In
addition, an eligible nonprofit scholarship-funding organization
must submit in a timely manner the verified list of eligible
scholarship students and any information requested by the
Department of Education relating to the scholarship program.

(q)1.a. Must participate in the joint development of
agreed-upon procedures during the 2009-2010 state fiscal year.
The agreed-upon procedures must uniformly apply to all private
schools and must determine, at a minimum, whether the private
school has been verified as eligible by the Department of
Education under s. 1002.421; has an adequate accounting system,
system of financial controls, and process for deposit and
classification of scholarship funds; and has properly expended
scholarship funds for education-related expenses. During the

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development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium, if the scholarship-funding organization provided more than \$250,000 in scholarship funds under this chapter during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures and guidelines shall take effect the subsequent school year.

c. Must monitor the compliance of a participating private school with s. 1002.421(1)(q) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each participating private school subject to s. 1002.421(1)(q), the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30 of:

(I) A private school's failure to submit a report required under s. 1002.421(1)(q); or

(II) Any material exceptions set forth in the report required under s. 1002.421(1)(q).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic

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Schools and the Department of Education when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

(t) Must participate in the joint development of agreed-upon purchasing guidelines for authorized uses of scholarship funds under paragraph (d) and s. 1002.394(4)(a) this chapter. By December 31, 2023, and by each December 31 thereafter, the purchasing guidelines must be provided to the Commissioner of Education and published on the eligible nonprofit scholarship-funding organization's website. Published purchasing guidelines shall remain in effect until there is unanimous agreement to revise the guidelines, and the revisions must be provided to the commissioner and published on the organization's website within 30 days after such revisions. The organization shall assist the Florida Center for Students with Unique Abilities under s. 1004.6495 with the development of purchasing guidelines for authorized uses of scholarship funds under s. 1002.394(4)(b) and publish the guidelines on the organization's website.

(w) Shall commit scholarship funds on behalf of the student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship empowerment account funds for additional authorized uses under paragraph (d).

(y) Must establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

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

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(a) A parent who applies for a scholarship whose student will be enrolled full time in an eligible a private school must:

1. Select an eligible private school and apply for the admission of his or her child.

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

3.a. Beginning with new applications for the 2025-2026 school year and thereafter, notify the organization by a date set by the organization that the scholarship is being accepted or declined.

b. Beginning with renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being renewed or declined.

~~4.2-~~ Inform the applicable child's school district when the parent withdraws his or her student from a public school child to attend an eligible private school.

~~5.3-~~ Require his or her student participating in the program to remain in attendance at the eligible private school throughout the school year unless excused by the school for illness or other good cause and comply with the private school's published policies.

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~~6.4-~~ Meet with the eligible private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment ~~in the private school.~~

~~7.5-~~ Require his or her student participating in the program to take the norm-referenced assessment offered by the participating private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the ~~scholarship~~ program take statewide assessments pursuant to s. 1008.22 and the participating private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

~~8.6-~~ Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

~~9.7-~~ Authorize the nonprofit scholarship-funding organization to access information needed for income eligibility determination and verification held by other state or federal agencies, including the Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Commerce Economic Opportunity, and the Agency for Health Care Administration, for students seeking priority

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1625 eligibility.

1626 ~~10.8-~~ Agree to have the organization commit scholarship
1627 funds on behalf of his or her student for tuition and fees for
1628 which the parent is responsible for payment at the participating
1629 private school before using scholarship empowerment account
1630 funds for additional authorized uses under paragraph (6)(d). A
1631 parent is responsible for all eligible expenses in excess of the
1632 amount of the scholarship.

1633 11. Comply with the scholarship application and renewal
1634 processes and requirements established by the organization.

1635 (b) A parent whose student will not be enrolled full time
1636 in a public or private school must:

1637 1. Apply to an eligible nonprofit scholarship-funding
1638 organization to participate in the program as a personalized
1639 education student by a date set by the organization. The request
1640 must be communicated directly to the organization in a manner
1641 that creates a written or electronic record of the request and
1642 the date of receipt of the request. Beginning with new and
1643 renewal applications for the 2025-2026 school year and
1644 thereafter, notify the organization by May 31 that the
1645 scholarship is being accepted, renewed, or declined.

1646 2. Sign an agreement with the organization and annually
1647 submit a sworn compliance statement to the organization to
1648 satisfy or maintain program eligibility, including eligibility
1649 to receive and spend program payments, by:

1650 a. Affirming that the program funds are used only for
1651 authorized purposes serving the student's educational needs, as
1652 described in paragraph (6)(d), and that they will not receive a
1653 payment, refund, or rebate of any funds provided under this

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1654 section.

1655 b. Affirming that the parent is responsible for all
1656 eligible expenses in excess of the amount of the scholarship and
1657 for the education of his or her student.

1658 c. Submitting a student learning plan to the organization
1659 and revising the plan at least annually before program renewal.

1660 d. Requiring his or her student to take a nationally norm-
1661 referenced test identified by the Department of Education, or a
1662 statewide assessment under s. 1008.22, and provide assessment
1663 results to the organization before the student's program
1664 renewal.

1665 e. Complying with the scholarship application and renewal
1666 processes and requirements established by the organization
1667 ~~Renewing participation in the program each year.~~ A student whose
1668 participation in the program is not renewed may continue to
1669 spend scholarship funds that are in his or her account from
1670 prior years unless the account must be closed pursuant to s.
1671 1002.394(5)(a)2.

1672 f. Procuring the services necessary to educate the student.
1673 When the student receives a scholarship, the district school
1674 board is not obligated to provide the student with a free
1675 appropriate public education.

1676 (c) A parent may not apply for multiple scholarships under
1677 this section and s. 1002.394 for an individual student at the
1678 same time.

1679
1680 An eligible nonprofit scholarship-funding organization may not
1681 further regulate, exercise control over, or require
1682 documentation beyond the requirements of this subsection unless

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the regulation, control, or documentation is necessary for participation in the program.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required by the organization to process scholarship payment pursuant to paragraph (11)(c). Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the deadline.

(c) 1. ~~(b) 1.~~ Annually administer or make provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to a state university described in paragraph (9)(f).

2. Administer the statewide assessments pursuant to s.

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1008.22 if a participating private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the participating private school in grades 3 through 10 and must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

If a participating private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the participating private school is ineligible to participate in the scholarship program.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(d) Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students; cross-check the verified list of participating scholarship students with the public school enrollment lists to avoid duplication; and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.

(e) Maintain and annually publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c)1. ~~(8)(b)1.~~ The tests must meet industry standards of quality in accordance with State Board of Education rule.

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(f) Issue a project grant award to a state university, to which participating private schools and eligible nonprofit scholarship-funding organizations must report the scores of participating students on the nationally norm-referenced tests or the statewide assessments administered in grades 3 through 10. The project term is 2 years, and the amount of the project is up to \$250,000 per year. The project grant award must be reissued in 2-year intervals in accordance with this paragraph.

1. The state university must annually report to the Department of Education on the student performance of participating students and, beginning with the 2027-2028 school year, on the performance of personalized education students:

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To minimize costs and reduce time required for the state university's analysis and evaluation, the Department of Education shall coordinate with the state university to provide data to the state university in order to conduct analyses of matched students from public school assessment data and calculate control group student performance using an agreed-upon methodology with the state university; and

b. On an individual school basis for students enrolled full time in a private school. The annual report must include student performance for each participating private school in which enrolled students in the private school participated in a scholarship program under this section or s. 1002.394(12)(a) ~~7~~.

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~~or s. 1002.40~~ in the prior school year. The report shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have scores for tests administered. If the state university determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the state university may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each participating private school's prior school year's student enrollment information to the state university no later than June 15 of each year, or as requested by the state university.

2. The sharing and reporting of student performance data under this paragraph must be in accordance with requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual participating schools, except as required under sub-subparagraph 1.b., or disclose the academic level of individual students.

3. The annual report required by subparagraph 1. shall be published by the Department of Education on its website.

(i) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of

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1799 students participating in the ~~scholarship~~ program;~~;~~ the private
 1800 schools at which the students are enrolled; the number of
 1801 scholarship applications received, the number of applications
 1802 processed within 30 days after receipt, and the number of
 1803 incomplete applications received; data related to reimbursement
 1804 submissions, including the average number of days for a
 1805 reimbursement to be reviewed and the average number of days for
 1806 a reimbursement to be approved; any parent input and feedback
 1807 collected regarding the program;~~;~~ and any other information
 1808 deemed necessary by the Department of Education.

1809 (10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

1810 (b) Upon the request of the Department of Education, a
 1811 school district shall coordinate with the department to provide
 1812 to a participating private school the statewide assessments
 1813 administered under s. 1008.22 and any related materials for
 1814 administering the assessments. A school district is responsible
 1815 for implementing test administrations at a participating private
 1816 school, including the:

- 1817 1. Provision of training for participating private school
 1818 staff on test security and assessment administration procedures;
- 1819 2. Distribution of testing materials to a participating
 1820 private school;
- 1821 3. Retrieval of testing materials from a participating
 1822 private school;
- 1823 4. Provision of the required format for a participating
 1824 private school to submit information to the district for test
 1825 administration and enrollment purposes; and
- 1826 5. Provision of any required assistance, monitoring, or
 1827 investigation at a participating private school.

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1828 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

1829 (c) If a scholarship student is attending an eligible
 1830 private school full time, the initial payment shall be made
 1831 after the organization's verification of admission acceptance,
 1832 and subsequent payments shall be made upon verification of
 1833 continued enrollment and attendance at the eligible private
 1834 school. Payments shall be made within 7 business days after
 1835 approval by the parent pursuant to paragraph (7)(a) and the
 1836 private school pursuant to paragraph (8)(b) An eligible
 1837 ~~nonprofit scholarship-funding organization shall obtain~~
 1838 ~~verification from the private school of a student's continued~~
 1839 ~~attendance at the school for each period covered by a~~
 1840 ~~scholarship payment.~~

1841 (f) A scholarship awarded to an eligible student shall
 1842 remain in force until:

- 1843 1. The organization determines that the student is not
 1844 eligible for program renewal;
- 1845 2. The Commissioner of Education suspends or revokes
 1846 program participation or use of funds;
- 1847 3. The student's parent has forfeited participation in the
 1848 program for failure to comply with subsection (7);
- 1849 4. The student who uses the scholarship for full-time
 1850 tuition and fees at an eligible private school pursuant to
 1851 subparagraph (6)(d)2. enrolls full time in a public school.
 1852 However, if a student enters a Department of Juvenile Justice
 1853 detention center for a period of no more than 21 days, the
 1854 student is not considered to have returned to a public school on
 1855 a full-time basis for that purpose; or
- 1856 5. The student graduates from high school or attains 21

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years of age, whichever occurs first.

(h) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to paragraph (6)(d); ~~or~~

2. Two consecutive fiscal years in which an account has been inactive; or

3. The student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment.

(i) Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

(15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice. ~~The office shall provide at least two application periods in which~~ Charitable organizations may apply at any time to participate in the program.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.

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2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.

3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.

4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.

5. The organization's organizational chart.

6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.

7. A description of the application process, including deadlines and any associated fees.

8. A description of the deadlines for attendance verification and scholarship payments.

9. A copy of the organization's policies on conflict of interest and whistleblowers.

10. A copy of a surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section in an amount equal to 25 percent of the scholarship funds anticipated for each school year or \$100,000, whichever is greater. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of

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1915 credit.

1916 (b) In addition to the information required by
1917 subparagraphs (a)1.-9., an application for renewal must include:

1918 1. A surety bond or letter of credit to secure the faithful
1919 performance of the obligations of the eligible nonprofit
1920 scholarship-funding organization in accordance with this section
1921 equal to the amount of undisbursed donations held by the
1922 organization based on the annual report submitted pursuant to
1923 paragraph (6)(o). The amount of the surety bond or letter of
1924 credit must be at least \$100,000, but not more than \$25 million.
1925 The surety bond or letter of credit must specify that any claim
1926 against the bond or letter of credit may be made only by an
1927 eligible nonprofit scholarship-funding organization to provide
1928 scholarships to and on behalf of students who would have had
1929 scholarships funded if it were not for the diversion of funds
1930 giving rise to the claim against the bond or letter of credit.

1931 2. The organization's completed Internal Revenue Service
1932 Form 990 submitted no later than November 30 of the year before
1933 the school year that the organization intends to offer the
1934 scholarships, notwithstanding the department's application
1935 deadline.

1936 3. A copy of the statutorily required audit to the
1937 Department of Education and Auditor General.

1938 4. An annual report that includes:

1939 a. The number of students who completed applications, by
1940 county and by grade.

1941 b. The number of students who were approved for
1942 scholarships, by county and by grade.

1943 c. The number of students who received funding for

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1944 scholarships within each funding category, by county and by
1945 grade.

1946 d. The amount of funds received, the amount of funds
1947 distributed in scholarships, and an accounting of remaining
1948 funds and the obligation of those funds.

1949 e. A detailed accounting of how the organization spent the
1950 administrative funds allowable under paragraph (6)(l).

1951 (c) In consultation with the Department of Revenue and the
1952 Chief Financial Officer, the Office of Independent Education and
1953 Parental Choice shall review the application. The Department of
1954 Education shall notify the organization in writing of any
1955 deficiencies within 30 days after receipt of the application and
1956 allow the organization 30 days to correct any deficiencies.

1957 (d) Within 30 days after receipt of the finalized
1958 application by the Office of Independent Education and Parental
1959 Choice, the Commissioner of Education shall recommend approval
1960 or disapproval of the application to the State Board of
1961 Education. The State Board of Education shall consider the
1962 application and recommendation at the next scheduled meeting,
1963 adhering to appropriate meeting notice requirements. If the
1964 State Board of Education disapproves the organization's
1965 application, it shall provide the organization with a written
1966 explanation of that determination. The State Board of
1967 Education's action is not subject to chapter 120.

1968 (e) If the State Board of Education disapproves the renewal
1969 of a nonprofit scholarship-funding organization, the
1970 organization must notify the affected eligible students and
1971 parents of the decision within 15 days after disapproval. An
1972 eligible student affected by the disapproval of an

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organization's participation remains eligible under this section until the end of the school year in which the organization was disapproved. The student must apply and be accepted by another eligible nonprofit scholarship-funding organization for the upcoming school year. The student shall be given priority in accordance with paragraph (6) (g).

(f) All remaining funds held by a nonprofit scholarship-funding organization that is disapproved for participation must be transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under subsection (6).

(g) A nonprofit scholarship-funding organization is a renewing organization if it maintains continuous approval and participation in the program. An organization that chooses not to participate for 1 year or more or is disapproved to participate for 1 year or more must submit an application for initial approval in order to participate in the program again.

(h) The State Board of Education shall adopt rules providing guidelines for receiving, reviewing, and approving applications for new and renewing nonprofit scholarship-funding organizations. The rules must include a process for compiling input and recommendations from the Chief Financial Officer, the Department of Revenue, and the Department of Education. The rules must also require that the nonprofit scholarship-funding

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organization make a brief presentation to assist the State Board of Education in its decision.

(i) A state university; or an independent college or university which is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, is exempt from the initial or renewal application process, but must file a registration notice with the Department of Education to be an eligible nonprofit scholarship-funding organization. The State Board of Education shall adopt rules that identify the procedure for filing the registration notice with the department. The rules must identify appropriate reporting requirements for fiscal, programmatic, and performance accountability purposes consistent with this section, but shall not exceed the requirements for eligible nonprofit scholarship-funding organizations for charitable organizations.

Section 5. Section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (3) an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.

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

~~(a) "Dealer" has the same meaning as provided in s. 212.06.~~

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2031 ~~(b) "Department" means the Department of Education.~~
 2032 ~~(c) "Designated agent" has the same meaning as provided in~~
 2033 ~~s. 212.06(10).~~
 2034 ~~(d) "Eligible contribution" or "contribution" means a~~
 2035 ~~monetary contribution from a person purchasing a motor vehicle,~~
 2036 ~~subject to the restrictions provided in this section, to an~~
 2037 ~~eligible nonprofit scholarship-funding organization. The person~~
 2038 ~~making the contribution may not designate a specific student as~~
 2039 ~~the beneficiary of the contribution.~~
 2040 ~~(e) "Eligible nonprofit scholarship-funding organization"~~
 2041 ~~or "organization" has the same meaning as provided in s.~~
 2042 ~~1002.395(2).~~
 2043 ~~(f) "Eligible private school" has the same meaning as~~
 2044 ~~provided in s. 1002.395(2).~~
 2045 ~~(g) "Motor vehicle" has the same meaning as provided in s.~~
 2046 ~~320.01(1)(a), but does not include a heavy truck, truck tractor,~~
 2047 ~~trailer, or motorcycle.~~
 2048 (a)(h) "Parent" means a resident of this state who is a
 2049 parent, as defined in s. 1000.21, and whose student reported an
 2050 incident in accordance with subsection (4) ~~(6)~~.
 2051 (b)(i) "Program" means the Hope Scholarship Program.
 2052 (c)(j) "School" means any educational program or activity
 2053 conducted by a public K-12 educational institution, any school-
 2054 related or school-sponsored program or activity, and riding on a
 2055 school bus, as defined in s. 1006.25(1), including waiting at a
 2056 school bus stop.
 2057 ~~(k) "Unweighted FTE funding amount" means the statewide~~
 2058 ~~average total funds per unweighted full-time equivalent funding~~
 2059 ~~amount that is incorporated by reference in the General~~

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2060 ~~Appropriations Act, or by a subsequent special appropriations~~
 2061 ~~act, for the applicable state fiscal year.~~
 2062 ~~(3) PROGRAM ELIGIBILITY. Beginning with the 2018-2019~~
 2063 ~~school year, contingent upon available funds, and on a first-~~
 2064 ~~come, first served basis, A student enrolled in a Florida public~~
 2065 ~~school in kindergarten through grade 12 is eligible for the~~
 2066 ~~educational options described in subsection (4) a scholarship~~
 2067 ~~under this program if the student reported an incident in~~
 2068 ~~accordance with that subsection ~~(6)~~. For purposes of this~~
 2069 ~~section, the term "incident" means battery; harassment; hazing;~~
 2070 ~~bullying; kidnapping; physical attack; robbery; sexual offenses,~~
 2071 ~~harassment, assault, or battery; threat or intimidation; or~~
 2072 ~~fighting at school, as defined by the department in accordance~~
 2073 ~~with s. 1006.09(6).~~
 2074 ~~(4) PROGRAM PROHIBITIONS. Payment of a scholarship to a~~
 2075 ~~student enrolled in a private school may not be made if a~~
 2076 ~~student is:~~
 2077 ~~(a) Enrolled in a public school, including, but not limited~~
 2078 ~~to, the Florida School for the Deaf and the Blind; the College-~~
 2079 ~~Preparatory Boarding Academy; a developmental research school~~
 2080 ~~authorized under s. 1002.32; or a charter school authorized~~
 2081 ~~under s. 1002.33, s. 1002.331, or s. 1002.332;~~
 2082 ~~(b) Enrolled in a school operating for the purpose of~~
 2083 ~~providing educational services to youth in the Department of~~
 2084 ~~Juvenile Justice commitment programs;~~
 2085 ~~(c) Participating in a virtual school, correspondence~~
 2086 ~~school, or distance learning program that receives state funding~~
 2087 ~~pursuant to the student's participation unless the participation~~
 2088 ~~is limited to no more than two courses per school year; or~~

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2089 ~~(d) Receiving any other educational scholarship pursuant to~~
 2090 ~~this chapter.~~

2091 ~~(5) TERM OF HOPE SCHOLARSHIP. For purposes of continuity of~~
 2092 ~~educational choice, a Hope scholarship shall remain in force~~
 2093 ~~until the student returns to public school or graduates from~~
 2094 ~~high school, whichever occurs first. A scholarship student who~~
 2095 ~~enrolls in a public school or public school program is~~
 2096 ~~considered to have returned to a public school for the purpose~~
 2097 ~~of determining the end of the scholarship's term.~~

2098 (4)(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-
 2099 ~~(a)~~ Upon receipt of a report of an incident, the school
 2100 principal, or his or her designee, shall provide a copy of the
 2101 report to the parent and investigate the incident to determine
 2102 if the incident must be reported as required by s. 1006.09(6).
 2103 Within 24 hours after receipt of the report, the principal or
 2104 his or her designee shall provide a copy of the report to the
 2105 parent of the alleged offender and to the superintendent. Upon
 2106 conclusion of the investigation or within 15 days after the
 2107 incident was reported, whichever occurs first, the school
 2108 district shall notify the parent of the program, and offer the
 2109 parent an opportunity to enroll his or her student in another
 2110 public school that has capacity, and notify the parent of their
 2111 eligibility or to apply for request and receive a scholarship to
 2112 attend an eligible private school under ss. 1002.394 and
 2113 1002.395, subject to available funding. A parent who chooses to
 2114 enroll his or her student in a public school located outside the
 2115 district in which the student resides pursuant to s. 1002.31
 2116 shall be eligible for a scholarship to transport the student as
 2117 provided in paragraph (1)(b).

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2118 ~~(b) For each student participating in the program in an~~
 2119 ~~eligible private school who chooses to participate in the~~
 2120 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~
 2121 ~~Assessment, the school district in which the student resides~~
 2122 ~~must notify the student and his or her parent about the~~
 2123 ~~locations and times to take all statewide assessments.~~

2124 ~~(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS. An eligible~~
 2125 ~~private school may be sectarian or nonsectarian and shall:~~

2126 ~~(a) Comply with all requirements for private schools~~
 2127 ~~participating in state school choice scholarship programs~~
 2128 ~~pursuant to this section and s. 1002.421.~~

2129 ~~(b)1. Annually administer or make provision for students~~
 2130 ~~participating in the program in grades 3 through 10 to take one~~
 2131 ~~of the nationally norm-referenced tests identified by the~~
 2132 ~~department or the statewide assessments pursuant to s. 1008.22.~~
 2133 ~~Students with disabilities for whom standardized testing is not~~
 2134 ~~appropriate are exempt from this requirement. A participating~~
 2135 ~~private school shall report a student's scores to his or her~~
 2136 ~~parent.~~

2137 ~~2. Administer the statewide assessments pursuant to s.~~
 2138 ~~1008.22 if a private school chooses to offer the statewide~~
 2139 ~~assessments. A participating private school may choose to offer~~
 2140 ~~and administer the statewide assessments to all students who~~
 2141 ~~attend the private school in grades 3 through 10 and must submit~~
 2142 ~~a request in writing to the department by March 1 of each year~~
 2143 ~~in order to administer the statewide assessments in the~~
 2144 ~~subsequent school year.~~

2145
 2146 ~~If a private school fails to meet the requirements of this~~

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subsection or s. 1002.421, the commissioner may determine that the private school is ineligible to participate in the program.

~~(8) DEPARTMENT OF EDUCATION OBLIGATIONS. The department shall:~~

~~(a) Cross check the list of participating scholarship students with the public school enrollment lists to avoid duplication and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.~~

~~(b) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.~~

~~(c) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the program, the private schools in which the students are enrolled, and other information deemed necessary by the department.~~

~~(d) Contract with an independent entity to provide an annual evaluation of the program by:~~

~~1. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school from which 10 or more students transferred to another public school or private school using the Hope scholarship to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement. At a minimum, the review must include:~~

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~~a. An assessment of the investigation time and quality of the response of the school and the school district.~~

~~b. An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel.~~

~~c. An analysis of school incident and discipline data.~~

~~d. The challenges and obstacles relating to implementing recommendations from the review.~~

~~2. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school to which a student transferred if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.~~

~~3. Reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered.~~

~~4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges to or obstacles in addressing the incident or relating to the use of the scholarship.~~

~~(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION. A parent who applies for a Hope scholarship is exercising his or her parental option to place his or her student in an eligible private school.~~

~~(a) The parent must select an eligible private school and apply for the admission of his or her student.~~

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~~(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.~~

~~(c) Any student participating in the program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.~~

~~(d) Each parent and each student has an obligation to the private school to comply with such school's published policies.~~

~~(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.~~

~~(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.~~

~~(g) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of such school. If payment is made by funds transfer in accordance with paragraph (11)(d), the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the~~

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~~participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer. A parent who fails to comply with this paragraph forfeits the scholarship.~~

~~(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship funding organization may establish scholarships for eligible students by:~~

~~(a) Receiving applications and determining student eligibility in accordance with the requirements of this section.~~

~~(b) Notifying parents of their receipt of a scholarship on a first come, first served basis, based upon available funds.~~

~~(c) Establishing a date by which the parent of a participating student must confirm continuing participation in the program.~~

~~(d) Awarding scholarship funds to eligible students, giving priority to renewing students from the previous year.~~

~~(e) Preparing and submitting quarterly reports to the department pursuant to paragraph (8)(c). In addition, an eligible nonprofit scholarship funding organization must submit in a timely manner any information requested by the department relating to the program.~~

~~(f) Notifying the department of any violation of this section.~~

~~(11) FUNDING AND PAYMENT.—~~

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

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2263 ~~(b) The maximum amount awarded to a student enrolled in a~~
 2264 ~~public school located outside of the district in which the~~
 2265 ~~student resides shall be \$750.~~

2266 ~~(c) When a student enters the program, the eligible~~
 2267 ~~nonprofit scholarship funding organization must receive all~~
 2268 ~~documentation required for the student's participation,~~
 2269 ~~including a copy of the report of the incident received pursuant~~
 2270 ~~to subsection (6) and the private school's and student's fee~~
 2271 ~~schedules. The initial payment shall be made after verification~~
 2272 ~~of admission acceptance, and subsequent payments shall be made~~
 2273 ~~upon verification of continued enrollment and attendance at the~~
 2274 ~~private school.~~

2275 ~~(d) Payment of the scholarship by the eligible nonprofit~~
 2276 ~~scholarship funding organization may be by individual warrant~~
 2277 ~~made payable to the student's parent or by funds transfer,~~
 2278 ~~including, but not limited to, debit cards, electronic payment~~
 2279 ~~cards, or any other means of payment that the department deems~~
 2280 ~~to be commercially viable or cost-effective. If payment is made~~
 2281 ~~by warrant, the warrant must be delivered by the eligible~~
 2282 ~~nonprofit scholarship funding organization to the private school~~
 2283 ~~of the parent's choice, and the parent shall restrictively~~
 2284 ~~endorse the warrant to the private school. If payments are made~~
 2285 ~~by funds transfer, the parent must approve each payment before~~
 2286 ~~the scholarship funds may be deposited. The parent may not~~
 2287 ~~designate any entity or individual associated with the~~
 2288 ~~participating private school as the parent's attorney in fact to~~
 2289 ~~endorse a scholarship warrant or approve a funds transfer.~~

2290 ~~(e) An eligible nonprofit scholarship funding organization~~
 2291 ~~shall obtain verification from the private school of a student's~~

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2292 ~~continued attendance at the school for each period covered by a~~
 2293 ~~scholarship payment.~~

2294 ~~(f) Payment of the scholarship shall be made by the~~
 2295 ~~eligible nonprofit scholarship funding organization no less~~
 2296 ~~frequently than on a quarterly basis.~~

2297 ~~(g) An eligible nonprofit scholarship funding organization,~~
 2298 ~~subject to the limitations of s. 1002.395(6)(1)1., may use~~
 2299 ~~eligible contributions received during the state fiscal year in~~
 2300 ~~which such contributions are collected for administrative~~
 2301 ~~expenses.~~

2302 ~~(h) Moneys received pursuant to this section do not~~
 2303 ~~constitute taxable income to the qualified student or his or her~~
 2304 ~~parent.~~

2305 ~~(i) Notwithstanding s. 1002.395(6)(1)2., no more than 5~~
 2306 ~~percent of net eligible contributions may be carried forward to~~
 2307 ~~the following state fiscal year by an eligible scholarship~~
 2308 ~~funding organization. For audit purposes, all amounts carried~~
 2309 ~~forward must be specifically identified for individual students~~
 2310 ~~by student name and by the name of the school to which the~~
 2311 ~~student is admitted, subject to the requirements of ss. 1002.21~~
 2312 ~~and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and~~
 2313 ~~regulations issued pursuant to such requirements. Any amounts~~
 2314 ~~carried forward shall be expended for annual scholarships or~~
 2315 ~~partial-year scholarships in the following state fiscal year.~~
 2316 ~~Net eligible contributions remaining on June 30 of each year~~
 2317 ~~which are in excess of the 5 percent that may be carried forward~~
 2318 ~~shall be transferred to other eligible nonprofit scholarship~~
 2319 ~~funding organizations participating in the Hope Scholarship~~
 2320 ~~Program to provide scholarships for eligible students. All~~

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transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into the scholarship account of eligible students. All transferred amounts received by an eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit requirement under s. 1002.395(6)(c). If no other eligible nonprofit scholarship-funding organization participates in the Hope Scholarship Program, net eligible contributions in excess of the 5 percent may be used to fund scholarships for students eligible under s. 1002.395 only after fully exhausting all contributions made in support of scholarships under that section in accordance with the priority established in s. 1002.395(6)(f) before awarding any initial scholarships.

~~(12) OBLIGATIONS OF THE AUDITOR GENERAL.—~~

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this paragraph within 10 days after the audit is finalized.

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

~~(13) SCHOLARSHIP-FUNDING TAX CREDITS.—~~

(a) A tax credit is available under s. 212.1832(1) for use by a person that makes an eligible contribution. Eligible contributions shall be used to fund scholarships under this

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section and may be used to fund scholarships under s. 1002.395. Each eligible contribution is limited to a single payment of \$105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of \$105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer, except that a contribution may not exceed the state tax imposed under chapter 212 that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. Payments of contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, the following brief description of the Hope Scholarship Program and the Florida Tax Credit Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also include, at a minimum, a section allowing the consumer to designate, from all participating scholarship-funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

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2379 ~~(b) A dealer, designated agent, or private tag agent shall:~~
 2380 ~~1. Provide the purchaser the contribution election form, as~~
 2381 ~~provided by the Department of Revenue, at the time of purchase~~
 2382 ~~of a motor vehicle or at the time of registration of a motor~~
 2383 ~~vehicle that was not purchased from a dealer.~~
 2384 ~~2. Collect eligible contributions.~~
 2385 ~~3. Using a form provided by the Department of Revenue,~~
 2386 ~~which shall include the dealer's or agent's federal employer~~
 2387 ~~identification number, remit to an organization no later than~~
 2388 ~~the date the return filed pursuant to s. 212.11 is due the total~~
 2389 ~~amount of contributions made to that organization and collected~~
 2390 ~~during the preceding reporting period. Using the same form, the~~
 2391 ~~dealer or agent shall also report this information to the~~
 2392 ~~Department of Revenue no later than the date the return filed~~
 2393 ~~pursuant to s. 212.11 is due.~~
 2394 ~~4. Report to the Department of Revenue on each return filed~~
 2395 ~~pursuant to s. 212.11 the total amount of credits granted under~~
 2396 ~~s. 212.1832 for the preceding reporting period.~~
 2397 ~~(c) An organization shall report to the Department of~~
 2398 ~~Revenue, on or before the 20th day of each month, the total~~
 2399 ~~amount of contributions received pursuant to paragraph (b) in~~
 2400 ~~the preceding calendar month on a form provided by the~~
 2401 ~~Department of Revenue. Such report shall include:~~
 2402 ~~1. The federal employer identification number of each~~
 2403 ~~designated agent, private tag agent, or dealer who remitted~~
 2404 ~~contributions to the organization during that reporting period.~~
 2405 ~~2. The amount of contributions received from each~~
 2406 ~~designated agent, private tag agent, or dealer during that~~
 2407 ~~reporting period.~~

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2408 ~~(d) A person who, with the intent to unlawfully deprive or~~
 2409 ~~defraud the program of its moneys or the use or benefit thereof,~~
 2410 ~~fails to remit a contribution collected under this section is~~
 2411 ~~guilty of theft, punishable as follows:~~
 2412 ~~1. If the total amount stolen is less than \$300, the~~
 2413 ~~offense is a misdemeanor of the second degree, punishable as~~
 2414 ~~provided in s. 775.082 or s. 775.083. Upon a second conviction,~~
 2415 ~~the offender is guilty of a misdemeanor of the first degree,~~
 2416 ~~punishable as provided in s. 775.082 or s. 775.083. Upon a third~~
 2417 ~~or subsequent conviction, the offender is guilty of a felony of~~
 2418 ~~the third degree, punishable as provided in s. 775.082, s.~~
 2419 ~~775.083, or s. 775.084.~~
 2420 ~~2. If the total amount stolen is \$300 or more, but less~~
 2421 ~~than \$20,000, the offense is a felony of the third degree,~~
 2422 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
 2423 ~~3. If the total amount stolen is \$20,000 or more, but less~~
 2424 ~~than \$100,000, the offense is a felony of the second degree,~~
 2425 ~~punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~
 2426 ~~4. If the total amount stolen is \$100,000 or more, the~~
 2427 ~~offense is a felony of the first degree, punishable as provided~~
 2428 ~~in s. 775.082, s. 775.083, or s. 775.084.~~
 2429 ~~(e) A person convicted of an offense under paragraph (d)~~
 2430 ~~shall be ordered by the sentencing judge to make restitution to~~
 2431 ~~the organization in the amount that was stolen from the program.~~
 2432 ~~(f) Upon a finding that a dealer failed to remit a~~
 2433 ~~contribution under subparagraph (b)3. for which the dealer~~
 2434 ~~claimed a credit pursuant to s. 212.1832(2), the Department of~~
 2435 ~~Revenue shall notify the affected organizations of the dealer's~~
 2436 ~~name, address, federal employer identification number, and~~

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information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship funding organization under subparagraph (b)3.

(g) Any dealer, designated agent, private tag agent, or organization that fails to timely submit reports to the Department of Revenue as required in paragraphs (b) and (c) is subject to a penalty of \$1,000 for every month, or part thereof, the report is not provided, up to a maximum amount of \$10,000. Such penalty shall be collected by the Department of Revenue and shall be transferred into the General Revenue Fund. Such penalty must be settled or compromised if it is determined by the Department of Revenue that the noncompliance is due to reasonable cause and not due to willful negligence, willful neglect, or fraud.

(14) LIABILITY.—The state is not liable for the award of or any use of awarded funds under this section.

(15) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(5)(16) RULES.—The State Board of Education shall adopt rules to administer this section, except the Department of Revenue shall adopt rules to administer subsection (13).

Section 6. Paragraph (i) of subsection (1) of section 1002.421, Florida Statutes, is amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

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(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01 in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(i) Maintain a physical location in the state at which each student has regular and direct contact with teachers. Regular and direct contact with teachers may be satisfied for students enrolled in a personalized education program if students have regular and direct contact with teachers at the physical location at least two school days per week and the student learning plan addresses the remaining instructional time.

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 7. Paragraph (a) of subsection (2) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

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(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs. To be approved, a virtual instruction program provider must document that it:

~~1. Is nonsectarian in its programs, admission policies, employment practices, and operations;~~

1.2. Complies with the antidiscrimination provisions of s. 1000.05;

2.3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

3.4. Electronically provides to parents and students specific information that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must,

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at a minimum, conduct one contact with the parent and the student each month;

~~4.5.~~ Possesses prior, successful experience offering virtual instruction courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a virtual instruction program provider without sufficient prior, successful experience offering online courses, the State Board of Education may conditionally approve the virtual instruction program provider to offer courses measured pursuant to subparagraph (7)(a)2. Conditional approval shall be valid for 1 school year only and, based on the virtual instruction program provider's experience in offering the courses, the State Board of Education may grant approval to offer a virtual instruction program;

5.6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

6.7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the state academic standards.

c. Mechanisms that determine and ensure that a student has

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satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

7.8- Publishes, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as an approved virtual instruction program provider and in all contracts negotiated pursuant to this section:

- a. Information and data about the curriculum of each full-time and part-time virtual instruction program.
- b. School policies and procedures.
- c. Certification status and physical location of all administrative and instructional personnel.
- d. Hours and times of availability of instructional personnel.
- e. Student-teacher ratios.
- f. Student completion and promotion rates.
- g. Student, educator, and school performance accountability outcomes;

8.9- If the approved virtual instruction program provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

9.10- Performs an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit in accordance with rules adopted by the Auditor General and in compliance with generally accepted auditing standards, and include a report on financial statements presented in accordance with generally accepted accounting principles. The audit report shall be

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accompanied by a written statement from the approved virtual instruction program provider in response to any deficiencies identified within the audit report and shall be submitted by the approved virtual instruction program provider to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year.

Section 8. Paragraph (c) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

1003.4156 General requirements for middle grades promotion.-

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(c) Three middle grades or higher courses in social studies. One of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. All instructional materials for the civics education course must be reviewed and approved by the Commissioner of Education, in consultation with organizations that may include, but are not limited to, the Florida Joint Center for Citizenship, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, iCivics, and the Constitutional Sources Project, and with educators, school administrators,

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postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Any errors and inaccuracies the commissioner identifies in state-adopted materials must be corrected pursuant to s. 1006.35. After consulting with such entities and individuals, the commissioner shall review the current state-approved civics education course instructional materials and the test specifications for the statewide, standardized EOC assessment in civics education and shall make recommendations for improvements to the materials and test specifications by December 31, 2019. By December 31, 2020, the department shall complete a review of the statewide civics education course standards. Each student's performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student's final course grade. A middle grades student who transfers into the state's public school system from out of country, out of state, a private school, a personalized education program, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student's transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education.

Section 9. Subsection (6) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—

(6) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private

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school, a personalized education program, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq. If a student's transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

Section 10. Paragraph (1) of subsection (4) of section 1003.485, Florida Statutes, is amended to read:

1003.485 The New Worlds Reading Initiative.—

(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:

(1) Expend eligible contributions received only for the purchase and delivery of books and to implement the requirements of this section, as well as for administrative expenses not to

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exceed 2 percent of total eligible contributions.
 Notwithstanding ~~s. 1002.395(6)(1)3.~~ ~~s. 1002.395(6)(1)2.~~, the
 administrator may carry forward up to 25 percent of eligible
 contributions made before January 1 of each state fiscal year
 and 100 percent of eligible contributions made on or after
 January 1 of each state fiscal year to the following state
 fiscal year for purposes authorized by this subsection. Any
 eligible contributions in excess of the allowable carry forward
 not used to provide additional books throughout the year to
 eligible students shall revert to the state treasury.

Section 11. Effective upon this act becoming a law,
 paragraph (e) is added to subsection (5) of section 1004.6495,
 Florida Statutes, to read:

1004.6495 Florida Postsecondary Comprehensive Transition
 Program and Florida Center for Students with Unique Abilities.—

(5) CENTER RESPONSIBILITIES.—The Florida Center for
 Students with Unique Abilities is established within the
 University of Central Florida. At a minimum, the center shall:

(e) By July 1, 2024, develop the purchasing guidelines for
authorized uses of scholarship funds for the Family Empowerment
Scholarship Program under s. 1002.394(4)(b) and by each July 1
thereafter, revise such guidelines. The center must consult with
parents of a student with a disability participating in the
scholarship program in the development and revision of the
guidelines and must provide the guidelines to each eligible
nonprofit scholarship-funding organization that awards
scholarships to a student eligible for the scholarship program
under s. 1002.394(3)(b) for publishing on each organization's
website.

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Section 12. Except as otherwise expressly provided in this
 act and except for this section, which shall take effect upon
 this act becoming a law, this act shall take effect July 1,
 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

11/30/24

Meeting Date

PreK-12 Education

Committee

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ethan Merchant

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State

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Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

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(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/30/24

Meeting Date

Ed. Prek-12

Committee

7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Alexis Laroe, Step Up for Students

Phone

Address

Street

Tallahassee

FL

32303

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Step up for Students

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/30/24

Meeting Date

7048

Bill Number or Topic

Education

Committee

Amendment Barcode (if applicable)

Name

Michael Barrett

Phone

(850) 205-6823

Address

201 W. Park Ave

Email

mbarrett@fla.senate.gov

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Conference of
Catholic Bishops

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1-30-24

Meeting Date

Pre K-12 Education

Committee

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kristen Tyag.

Phone

202-329-5707

Address

4532 Langston Blvd Suite 523

Street

Arlington

City

VA

State

22207

Zip

Email

Kristen@publicschooloptions.org

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/30/24

Meeting Date

SPB 7048

Bill Number or Topic

PreK-12 Education

Committee

Amendment Barcode (if applicable)

Name Natalie Gillespie

Phone 727-674-8207

Address 1730 Silverwood Dr.
Street

Email nataliegillespie@att.net

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1-30-24

Meeting Date

Pre K-12 Education

Committee

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Scott Gines

Phone 304.786.0216

Address 377 Meadow Ridge Dr.

Email ginesdscott@gmail.com

Street

Tallahassee

FL

32312

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

JAN. 30

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SPB 7048

Bill Number or Topic

EDUCATION

Committee

Amendment Barcode (if applicable)

Name WILLIAM MATTOX

Phone (850) 241-4422

Address JAMES MADISON INSTITUTE

Email bmattox@jamesmadison.org

Street

TLH

City

FL

State

32301

Zip

Speaking:

☒ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

1-30-24

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

HB1403/SB7048

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Cari and Sarah Burman and
Hope Rosvik

Phone

407-927-1175

Address

222 Williams Rd.
Street

Email

Cari.2020@fl.senate.gov

City

Winter Springs FL

State

Zip

32708

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/30/24

Meeting Date

Pre K-12 Education Committee

Committee

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name Gail Seago

Phone 407-760-6372

Address 2337 Pickford Cir

Street

Apopka FL 32703

City

State

Zip

Email Kgailseago0508@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/30/24
Meeting Date

Education Pre K-12
Committee

Name Kristen Patterson

Address 4282 Sherborne Rd
Street
Tallahassee FL 32303
City State Zip

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 38-955-5932

Email knpatterson@gmail.com

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

1-30-24

Meeting Date

Education Pre-K-12

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Brenda Dickinson**

Phone **850-264-2184**

Address **PO Box 12563.**

Email **consultingbrenda@gmail.com**

Street

Tallahassee

City

FL

State

32317

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Home Education Foundation

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

01/30/24

Meeting Date

Education PreK-12

Committee

7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name Crystal Crawford

Phone (813) 731-1742

Address 3375 Argonaut Dr.

Street

Email crys.crawford@gmail.com

Tallahassee

City

FL

State

32312

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

11/30/24
Meeting Date

SPB 7048
Bill Number or Topic

Education ReK-12
Committee

Amendment Barcode (if applicable)

Name Miranda Padilla Phone 863-660-6534

Address 6612 Waldorf Ct Email panda61783@gmail.com
Street

New Port Richey, FL 34655
City State Zip

Speaking: ☐ For ☐ Against ☒ Information? **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/30/24

Meeting Date

SEP 7048

Bill Number or Topic

Pre K-12 Education Committee

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Ta Shanna Williams + Mahrouq

Phone 561-817-6303

Address 12163 Morris Bidge Road #132
Street

Email comdimahrouq@gmail.com

Temple Terrace, FL 33637
City State Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

1-30-24

Meeting Date

Pre K-12 Education

Committee

SPB 7048

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Justin Hughes

Phone

850-324-1452

Address

3615 Thomasville Rd.

Street

Tallahassee

City

FL

State

32309

Zip

Email

j.hughes@christclassical.com

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/30/24
Meeting Date

Education Prek-12
Committee

SPB 7048
Bill Number or Topic

Amendment Barcode (if applicable)

Name Robbin Isham Phone 727-643-3505

Address 110 Wateredge Court Email risham@northbaychristian.com
Street
Safety Harbor, FL 34695
City State Zip

Speaking: ☐ For ☐ Against ☒ Information ? **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1-30-24

Meeting Date

SPB 704F

Bill Number or Topic

Edu. Pre K-12

Committee

Amendment Barcode (if applicable)

Name Amy Stewart

Phone 901-515-8525

Address 1721 Broken Bow Trail

Street

Email amyhedstrom@yahoo.com

Tallahassee

City

FL

State

32312

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412 **Case No.:** -
Caption: Senate Education Pre-K -12 Committee

Type:
Judge:

Started: 1/30/2024 1:04:49 PM
Ends: 1/30/2024 2:29:20 PM **Length:** 01:24:32

1:04:50 PM Meeting called to order, roll call
1:05:14 PM Quorum is present
1:05:18 PM Chair Simon makes opening remarks
1:05:31 PM Tab 1, SB 396- Holocaust Remembrance Day by Senator Berman
1:05:36 PM Senator Berman explains the bill
1:06:23 PM Amendment 312570
1:06:31 PM Senator Berman explains the amendment
1:06:54 PM Senator Berman waives close
1:06:58 PM Chair Simon reports the amendment
1:07:01 PM Back on SB 396 as amended
1:07:09 PM Chair Simon reads appearance cards waiving
1:07:33 PM Senator Berman waives close
1:07:40 PM Roll call on SB 396
1:07:59 PM Chair Simon reports the bill
1:08:10 PM Tab 5, Confirmation Hearing for Appointment- Kelly Garcia, State Board of Education
1:08:34 PM Roll Call
1:08:52 PM Chair Simon reports the confirmation
1:09:15 PM Meeting is recessed
1:09:25 PM Recording Paused
1:15:26 PM Recording Resumed
1:15:29 PM Meeting called back to order
1:15:32 PM Tab 2, SB 962- Student Heath by Senator Hooper
1:15:35 PM Senator Hooper explains the bill
1:17:01 PM Chair Simon reads appearance cards waiving
1:17:20 PM Senator Hooper waives close
1:17:25 PM Roll call on SB 962
1:17:43 PM Chair Simon reports the bill
1:17:55 PM Tab 4, SPB 7048- Education by Senator Simon
1:17:59 PM Chair Simon hands the chair to Vice Chair Hutson
1:18:10 PM Senator Simon explains the bill
1:20:05 PM Public testimony:
1:20:25 PM Ethan Merchant, Florida Parents for School Options
1:21:16 PM Dr. Scott Gines
1:23:11 PM Natalie Gillespie
1:25:57 PM Kristen Tyagi, Parents for School Options
1:28:25 PM Gail Seago
1:29:40 PM Cari and Sarah Burman and Hope Rosvik
1:31:57 PM William Mattox
1:34:17 PM Brenda Dickinson, The Home Education Foundation
1:40:23 PM Kristen Patterson
1:46:47 PM Justin Hughes
1:49:43 PM Tashunna Williams Mahrouq
1:52:11 PM Miranda Padilla
1:56:44 PM Crystal Crawford
2:04:51 PM Robbin Isham
2:11:29 PM Debate:
2:11:30 PM Senator Yarborough
2:13:24 PM Senator Burgess
2:14:09 PM Senator Grall
2:15:37 PM Senator Jones
2:16:05 PM Senator Osgood
2:17:00 PM Senator Simon closes on the bill

| | |
|-------------------|--|
| 2:18:56 PM | Roll call on SPB 7048 |
| 2:19:31 PM | Chair Hutson reports the bill |
| 2:19:39 PM | Tab 3, SB 996- Education by Senator Burgess |
| 2:20:02 PM | Amendment 276456 |
| 2:20:10 PM | Senator Burgess explains the amendment |
| 2:23:03 PM | Questions: |
| 2:23:05 PM | Senator Berman |
| 2:23:24 PM | Senator Burgess |
| 2:23:54 PM | Chair Hutson reports the amendment |
| 2:24:00 PM | Back to SB 996 as amended |
| 2:24:01 PM | Questions: |
| 2:24:02 PM | Senator Osgood |
| 2:24:34 PM | Senator Burgess |
| 2:24:52 PM | Public testimony: |
| 2:24:54 PM | Polly Delucia |
| 2:27:00 PM | Senator Burgess closes on the bill |
| 2:27:49 PM | Roll call on SB 996 |
| 2:28:07 PM | Chair Hutson reports the bill |
| 2:28:17 PM | Senator Burgess moves to record a missed vote |
| 2:28:31 PM | Senator Grall moves to record a missed voted |
| 2:28:40 PM | Senator Jones moves to record a missed vote |
| 2:28:46 PM | Senator Collins moves to record a missed vote |
| 2:28:52 PM | Senator Calatayud moves to record missed votes |
| 2:29:10 PM | Meeting adjourned |

585

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State,
do hereby certify that

Kelly Garcia

is duly appointed a member of the
State Board of Education

for a term beginning on the Twenty-Fourth day of March, A.D.,
2023, until the Thirty-First day of December, A.D., 2025 and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of November, A.D., 2023.



[Signature]
Secretary of State



RON DeSANTIS
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2023 MAR 29 AM 10:19
DIVISION OF ELECTIONS
TALLAHASSEE, FL

March 24, 2023

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 1001.01, Florida Statutes:

Ms. Kelly Garcia
6 South Treasure Drive
Tampa, Florida 33609

as a member of the State Board of Education, succeeding Joseph York, subject to confirmation by the Senate. This appointment is effective March 24, 2023, for a term ending December 31, 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron DeSantis".

Ron DeSantis
Governor

RD/na

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF STATE

2023 APR 10 AM 9:01

DIVISION OF ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Board of Education

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

K. Garcia

Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 6 day of April, 2023.

Diana M. Harper

Signature of Officer Administering Oath or of Notary Public

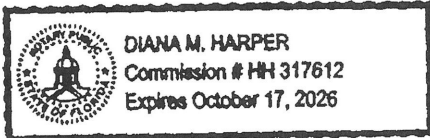
Diana M. Harper

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR

Produced Identification ☐

Type of Identification Produced



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

6 S. Treasure Dr.

Street or Post Office Box

Tampa, FL 33609

City, State, Zip Code

Kelly Garcia

Print Name

K. Garcia

Signature