

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

|              |   |  |  |  |  |  |
|--------------|---|--|--|--|--|--|
| <b>Tab 2</b> | <b>SB 962</b> by <b>Hooper</b> ; (Similar to CS/H 00883) Student Health |  |  |  |  |  |
|--------------|---|--|--|--|--|--|

|              |   |   |     |             |                         |                |
|--------------|---|---|-----|-------------|-------------------------|----------------|
| <b>Tab 3</b> | <b>SB 996</b> by <b>Burgess</b> ; (Compare to CS/H 01285) Education |   |     |             |                         |                |
| 276456       | D   | S | RCS | ED, Burgess | Delete everything after | 01/31 08:35 AM |

|              |  |  |  |  |  |  |
|--------------|--|--|--|--|--|--|
| <b>Tab 4</b> | <b>SPB 7048</b> by <b>ED</b> ; 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   | <b>SB 396</b><br>Berman<br>(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.<br><br>ED 01/30/2024 Fav/CS<br>GO<br>RC  | Fav/CS<br>Yeas 11 Nays 0    |
| 2   | <b>SB 962</b><br>Hooper<br>(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.<br><br>ED 01/30/2024 Favorable<br>HP<br>RC | Favorable<br>Yeas 11 Nays 0 |
| 3   | <b>SB 996</b><br>Burgess<br>(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.<br><br>ED 01/30/2024 Fav/CS<br>AED<br>FP   | Fav/CS<br>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.

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| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS  | COMMITTEE ACTION   |
|-----|-------------------------|--|--|
| 4   | <b>SPB 7048</b>         | 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<br>Yeas 10 Nays 0 |

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

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

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**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.)

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

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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        |        |

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**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”<sup>1</sup> is a legal holiday observed only in Hillsborough County, while “Bill of Rights

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<sup>1</sup> Section 683.08, F.S.

Day,”<sup>2</sup> 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,”<sup>3</sup> 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,”<sup>4</sup> 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.<sup>5</sup>

There are 27 legal holidays<sup>6</sup> established in law and 33 special observances.<sup>7</sup> The state recognizes nine paid holidays that are observed by all state branches and agencies.<sup>8</sup>

### **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”.<sup>9</sup>

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.<sup>10</sup>

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

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<sup>2</sup> Section 683.25, F.S.

<sup>3</sup> Section 683.1455, F.S.

<sup>4</sup> Section 1003.421, F.S.

<sup>5</sup> *Id.*

<sup>6</sup> 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.

<sup>7</sup> Sections 683.04 - 683.335, F.S.

<sup>8</sup> 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.

<sup>9</sup> 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).

<sup>10</sup> *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.<sup>11</sup>

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.<sup>12</sup>

### **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.<sup>13</sup>

### **Holocaust Education in Florida**

In 2020, the Legislature directed the Department of Education (DOE) to develop standards for Holocaust Education.<sup>14</sup> 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.<sup>15</sup>

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<sup>11</sup> 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).

<sup>12</sup> 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).

<sup>13</sup> 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).

<sup>14</sup> Chapter 2020-88, s. 5, Laws of Fla.

<sup>15</sup> 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 standards<sup>16</sup> and new standards for grades 5-12 for Holocaust education for which instruction began in 2023-2024.<sup>17</sup>

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.<sup>18</sup>

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.<sup>19</sup>

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.<sup>20</sup> 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.<sup>21</sup>

### 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

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<sup>16</sup> Chapter 2019-150, s.1, Laws of Fla.

<sup>17</sup> 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>.

<sup>18</sup> Section 1003.42(2)(g)1., F.S.

<sup>19</sup> Section 1003.42(2)(g)1., F.S.

<sup>20</sup> Section 1003.42(2)(g)2., F.S.

<sup>21</sup> Florida Department of Education, *Holocaust Education Week*, <https://www.fldoe.org/holocausteducation/holo-ed-week.stml> (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.



312570

LEGISLATIVE ACTION

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

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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



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

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

18  
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete lines 5 - 8

22 and insert:

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

By Senator Berman

26-00008A-24

2024396\_\_

1 A bill to be entitled  
 2 An act relating to Holocaust Remembrance Day; creating  
 3 s. 683.196, F.S.; requiring the Governor to annually  
 4 proclaim a specified day as "Holocaust Remembrance  
 5 Day"; requiring that "Holocaust Remembrance Day" be  
 6 observed in this state's public schools and be  
 7 observed by public exercise as the Governor may  
 8 designate; providing construction; requiring specified  
 9 instruction; providing an effective date.

10 WHEREAS, more than 77 years have passed since the Holocaust  
 11 ended, yet anti-Semitism and unfounded hatred of Jews continues  
 12 to spread throughout the world, and  
 13 WHEREAS, millions of Jews, Soviet civilians, and persons  
 14 with disabilities were murdered during the Holocaust, as well as  
 15 people targeted for their ethnicity, religion, political  
 16 beliefs, and sexual orientation, and  
 17 WHEREAS, Kristallnacht, widely recognized as a  
 18 precipitating event that led to the Holocaust, was a series of  
 19 pogroms unleashed by Nazi leaders against the Jewish population  
 20 in Germany and newly incorporated territories which caused the  
 21 destruction of Jewish-owned businesses, synagogues, schools, and  
 22 homes, and  
 23 WHEREAS, the tragedy of the Holocaust and the ongoing  
 24 effects of anti-Semitism still impact Jewish communities in this  
 25 state, NOW, THEREFORE,  
 26  
 27 Be It Enacted by the Legislature of the State of Florida:  
 28  
 29

Page 1 of 2

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

26-00008A-24

2024396\_\_

30 Section 1. Section 683.196, Florida Statutes, is created to  
 31 read:  
 32 683.196 Holocaust Remembrance Day.—  
 33 (1) In honor of the millions of victims killed in the  
 34 Holocaust, the Governor shall annually proclaim the first  
 35 weekday in "Holocaust Education Week" under s. 1003.42(2)(g)2.  
 36 to be "Holocaust Remembrance Day," which must be suitably  
 37 observed in the public schools of this state and by public  
 38 exercise at the State Capitol and elsewhere as the Governor may  
 39 designate.  
 40 (2) If the first weekday of "Holocaust Education Week"  
 41 falls on a day that is not a school day, "Holocaust Remembrance  
 42 Day" must be observed in the public schools on the following  
 43 school day or as otherwise designated by the district school  
 44 board having jurisdiction.  
 45 (3) Instruction on the harmful impacts of the Holocaust and  
 46 anti-Semitism and the positive impacts of the Jewish community  
 47 on humanity must be provided as part of the public school  
 48 instruction on "Holocaust Remembrance Day."  
 49 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.net.com

Street

Sanford, FL 32771

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [X] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

[X] 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.)

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

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BILL: SB 962

INTRODUCER: Senator Hooper

SUBJECT: Student Health

DATE: January 30, 2024

REVISED: \_\_\_\_\_

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

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## 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.<sup>1</sup> In Florida, approximately 1 in 8 adults and 1 in 9 children have asthma.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> 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”

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

<sup>2</sup> *Id.*

<sup>3</sup> 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.

<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> 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.<sup>7</sup>

### **Bronchodilator Regulation**

The Federal Food, Drug, and Cosmetic Act governs the sale of drugs<sup>8</sup> in the United States.<sup>9</sup> 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.<sup>10</sup>

A short-acting beta-2 agonist contains albuterol or a derivative thereof<sup>11</sup> and is only available with a prescription.<sup>12</sup> A common metered-dose inhaler costs between \$20 to \$100.<sup>13</sup>

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.<sup>14</sup> One such statutory exception authorizes a public school to purchase a supply of epinephrine auto-injectors from a wholesale distributor or manufacturer.<sup>15</sup> In addition, a manufacturer or wholesale distributor of a short-acting beta-2 agonist may sell a prescription drug to:<sup>16</sup>

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

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

<sup>6</sup> 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>.

<sup>7</sup> *Id.*

<sup>8</sup> 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).

<sup>9</sup> 21 U.S.C. s. 355(a).

<sup>10</sup> 21 U.S.C. s. 353(b)(1).

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

<sup>12</sup> 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).

<sup>13</sup> 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.

<sup>14</sup> Section 499.005(14), F.S.

<sup>15</sup> Section 1002.20(3)(i), F.S.

<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup>

### **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.

<sup>17</sup> Section 1006.062, F.S.

<sup>18</sup> Sections 381.0056(4)(a)12. and 1006.062(6), F.S.

<sup>19</sup> Rule 64F-6.004, F.A.C.

<sup>20</sup> 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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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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59 school personnel and by students authorized to self-  
 60 administer short-acting bronchodilators; authorizing  
 61 private schools to accept short-acting bronchodilators  
 62 and components as a donation or transfer if the  
 63 bronchodilators and components meet specified  
 64 requirements; providing requirements for school  
 65 personnel to administer a short-acting bronchodilator  
 66 and components to a student; requiring private schools  
 67 to provide written notice of the adopted protocol to  
 68 each parent or guardian; requiring private schools to  
 69 receive a parent or guardian's prior permission to  
 70 administer a short-acting bronchodilator and  
 71 components to a student; providing for immunity from  
 72 liability for specified individuals under certain  
 73 conditions; providing an effective date.

74  
 75 Be It Enacted by the Legislature of the State of Florida:

76  
 77 Section 1. Paragraph (h) of subsection (3) of section  
 78 1002.20, Florida Statutes, is amended to read:

79 1002.20 K-12 student and parent rights.—Parents of public  
 80 school students must receive accurate and timely information  
 81 regarding their child's academic progress and must be informed  
 82 of ways they can help their child to succeed in school. K-12  
 83 students and their parents are afforded numerous statutory  
 84 rights including, but not limited to, the following:

85 (3) HEALTH ISSUES.—

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

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

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88 a. "Administer" means to give or directly apply a short-  
 89 acting bronchodilator to a student.  
 90 b. "Asthma" means a chronic lung disease that inflames and  
 91 narrows the airways and can manifest wheezing, chest tightness,  
 92 shortness of breath, and coughing.  
 93 c. "Authorized health care practitioner" means a physician  
 94 licensed under chapter 458 or chapter 459, a physician assistant  
 95 licensed under chapter 458 or chapter 459, or a registered nurse  
 96 licensed under chapter 464.  
 97 d. "Components" means devices used as part of clinically  
 98 recommended use of short-acting bronchodilators, including  
 99 spacers, valved holding chambers, or nebulizers.  
 100 e. "Respiratory distress" means difficulty breathing by an  
 101 individual, which can be caused by several medical factors,  
 102 including chronic diseases such as asthma.  
 103 f. "Short-acting bronchodilator" means any beta-2 agonist,  
 104 such as albuterol, which is used for the quick relief of asthma  
 105 symptoms and is recommended by the National Heart, Lung, and  
 106 Blood Institute. Such bronchodilators may include an orally  
 107 inhaled medication that contains a premeasured single dose of  
 108 albuterol or albuterol sulfate delivered by a nebulizer or  
 109 compressor device or by a pressured metered dose inhaler used to  
 110 treat respiratory distress, including, but not limited to,  
 111 wheezing, shortness of breath, and difficulty breathing, or  
 112 another dosage of a bronchodilator recommended by the National  
 113 Heart, Lung, and Blood Institute.  
 114 2. Asthmatic students whose parent and physician provide  
 115 their approval to the school principal may carry a short-acting  
 116 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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233 respiratory distress. The short-acting bronchodilators and  
 234 components must be maintained in a secure location on the school  
 235 premises. The participating school shall adopt a protocol  
 236 developed by a licensed physician for the administration of a  
 237 short-acting bronchodilator or components by school personnel  
 238 who are trained to recognize symptoms of respiratory distress.  
 239 The supply of short-acting bronchodilators and components may be  
 240 provided to and used by a trained school personnel member or a  
 241 student authorized to self-administer a short-acting  
 242 bronchodilator or components.

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

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

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

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

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

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

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

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

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

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

01/30/2024

Meeting Date

Education Pre-K-12

Committee

Name Anna Grace Lewis

Address 119 S. Monroe St. Suite 200

Street

Tallahassee

FL

32301

City

State

Zip

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)

Phone 850-205-9000

Email agl@mhdfirm.com

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] 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)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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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

Email matthew.holliday@nchmd.org

Street

Naples

City

FL

State

34102

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [X] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] 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. 2020-2022JointRules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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SB 962  
Bill Number or Topic

January 30, 2024  
Meeting Date  
Education PreK-12  
Committee

Amendment Barcode (if applicable)

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.

**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        | <b>Fav/CS</b> |
| 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.<sup>1</sup> 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.<sup>2</sup>

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

<sup>2</sup> Section 1002.33(6)(a)6., F.S.

In the 2022-23 school year, there were 726 charter schools in 46 Florida districts.<sup>3</sup> 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.<sup>4</sup> Charter schools are considered educational institutions<sup>5</sup> within the state and property used by them for educational purposes are exempt from taxation.<sup>6</sup> 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.<sup>7</sup> For charter schools, any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor<sup>8</sup> and the charter school governing board is exempt from ad valorem taxes.<sup>9</sup> 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.<sup>10</sup>

It is not necessary for an annual application for exemption to be filed for:<sup>11</sup>

- 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.

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<sup>3</sup> 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).

<sup>4</sup> Section 1013.62 (4), F.S.

<sup>5</sup> 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.

<sup>6</sup> Section 196.198, F.S.

<sup>7</sup> Section 196.011(1)(a), F.S.

<sup>8</sup> 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.

<sup>9</sup> 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.”

<sup>10</sup> Section 196.1983, F.S.

<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup> To provide students residing within the school district the option of participating in virtual instruction programs, a school district may:<sup>14</sup>

- 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.

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<sup>12</sup> Section 1002.45(1)(a)3., F.S.

<sup>13</sup> Section 1002.45(1)(b)1., F.S.

<sup>14</sup> 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.<sup>15</sup>

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.<sup>16</sup> Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract<sup>17</sup> with a qualified contractor to administer and proctor statewide, standardized assessments.<sup>18</sup> 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.<sup>19</sup>

### 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 3<sup>rd</sup> grade,<sup>20</sup> and a science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.<sup>21</sup> Students must also participate in statewide, standardized end-of-course (EOC) assessments in Algebra I, Geometry, Biology I, Civics, and U.S. History.<sup>22</sup>

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.<sup>23</sup> 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.<sup>24</sup>

### *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,

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<sup>15</sup> Section 1002.45(2)(a), F.S.

<sup>16</sup> Section 1002.45(5)(b), F.S.

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

<sup>18</sup> Section 1002.45(5), F.S.

<sup>19</sup> *Id.*

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

<sup>21</sup> *Id.*

<sup>22</sup> Section 1008.22(3)(b), F.S.

<sup>23</sup> Section 1008.25, (9) F.S.

<sup>24</sup> 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.<sup>25</sup> 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:<sup>26</sup>

- 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.<sup>27</sup> It is administered annually to more than one million military applicants, high school, and post-secondary students.<sup>28</sup> 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:<sup>29</sup>

- 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

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<sup>25</sup> Section 1003.451(3)(a), F.S.

<sup>26</sup> Section 1003.451(2)(a)1.-3., F.S.

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

<sup>28</sup> *Id.*

<sup>29</sup> Armed Services Vocational Aptitude Battery, *ASVAB Fact Sheet*, [https://www.officialasvab.com/wp-content/uploads/2023/06/ASVAB-Fact\\_Sheet.pdf](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:<sup>30</sup>

- 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:<sup>31</sup>

- 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.<sup>32</sup>

### *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.<sup>33</sup> For a school to earn a Purple Star School Distinction the school must:<sup>34</sup>

- 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.

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

<sup>31</sup> *Id.*

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

<sup>33</sup> Chapter 2021-65, s. 1, Laws of Fla.

<sup>34</sup> 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:<sup>35</sup>
  - 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.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup>

### *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

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<sup>35</sup> Rule 6A-1.0999, F.A.C.

<sup>36</sup> *Id.*

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

<sup>38</sup> *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.<sup>39</sup> 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.<sup>40</sup>

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.<sup>41</sup>

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.<sup>42</sup>

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:<sup>43</sup>

- 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:

<sup>39</sup> Section 1003.53, (1)(a), F.S.

<sup>40</sup> Section 1003.53, (1)(b), F.S.

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

<sup>42</sup> 1003.53, (3), F.S.

<sup>43</sup> 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.<sup>44</sup>

### ***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.

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<sup>44</sup> 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.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup> 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.<sup>48</sup>

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.<sup>49</sup>

#### Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.<sup>50</sup> 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.<sup>51</sup>

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

- 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

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<sup>45</sup> Section 1006.34(1), F.S.

<sup>46</sup> Section 1006.31, F.S.

<sup>47</sup> 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.

<sup>48</sup> Section 1006.29(5), F.S.

<sup>49</sup> Section 1006.38(2), F.S.

<sup>50</sup> Section 1004.04(1)(b), F.S.

<sup>51</sup> 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.

<sup>52</sup> 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.<sup>53</sup>

- 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.<sup>54</sup> In addition to completing the district program, candidates must demonstrate mastery of general knowledge<sup>55</sup> and subject area knowledge.<sup>56</sup>

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

### ***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.<sup>58</sup> School grades are also used to determine whether a school

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<sup>53</sup> Rule 6A-5.066(1)(r), F.A.C.

<sup>54</sup> 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).

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

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

<sup>57</sup> 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).

<sup>58</sup> Section 1008.34(1), F.S.

must select or implement a turnaround option<sup>59</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>60</sup>

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.<sup>61</sup> 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:<sup>62</sup>

- 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:<sup>63</sup>

- 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.<sup>64</sup>

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<sup>59</sup> See s. 1008.33(4), F.S.

<sup>60</sup> See s. 1008.36, F.S.

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

<sup>62</sup> Section 1008.34(3)(b)1.a.-j., F.S.

<sup>63</sup> Section 1008.34(3)(b)2., F.S.

<sup>64</sup> 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.<sup>65</sup> Intervention and support is required for traditional public schools earning a letter grade of "D," or "F."<sup>66</sup> 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.<sup>67</sup> Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of "D" or a grade of "F."<sup>68</sup>

Schools that earn two consecutive grades of "D" or a grade of "F" must also implement a two-year district-managed turnaround plan.<sup>69</sup> 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.<sup>70</sup>
- By October 1, district-managed turnaround plan to the State Board of Education (SBE) for approval.<sup>71</sup>

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.<sup>72</sup>

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:<sup>73</sup>

- 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.

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<sup>65</sup> 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).

<sup>66</sup> Section 1008.33(3)(b), F.S.

<sup>67</sup> Rule 6A-1.099811(3)(a), F.A.C.

<sup>68</sup> Section 1008.33(4)(a), F.S.

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

<sup>70</sup> 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.

<sup>71</sup> Section 1008.33(4)(a), F.S.

<sup>72</sup> Section 1008.33(4)(a), F.S.

<sup>73</sup> 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.<sup>74</sup>

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.<sup>75</sup>

### *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.

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<sup>74</sup> Section 1008.33(4)(a), F.S.

<sup>75</sup> 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.<sup>76</sup> District school boards may not refuse to enter into a dual enrollment articulation<sup>77</sup> 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.<sup>78</sup> 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:<sup>79</sup>

- 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.<sup>80</sup> Eligible students may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.<sup>81</sup> In the 2022-2023 school year, 79,208 students were enrolled in a dual enrollment course.<sup>82</sup>

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<sup>76</sup> Section 1007.271(1) F.S.

<sup>77</sup> 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.

<sup>78</sup> Section 1007.271(21) F.S.

<sup>79</sup> *Id.*

<sup>80</sup> Section 1007.271(2), F.S.

<sup>81</sup> *Id.*

<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

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.<sup>85</sup>

#### **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.<sup>86</sup>

### ***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.

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<sup>83</sup> 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).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> 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.<sup>87</sup>

### 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.<sup>88</sup> The AA degree requirements consist of 60 total credit hours and include 36 credit hours of general education and 24 credit hours of electives.<sup>89</sup> 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 Manual<sup>90</sup> 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.<sup>91</sup>

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.<sup>92</sup>

### 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.<sup>93</sup>

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

<sup>88</sup> *Id.*

<sup>89</sup> Section 1007.25(9), F.S.

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

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

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

<sup>93</sup> 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 rule<sup>94</sup> and BOG regulation.<sup>95</sup>

#### 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.<sup>96</sup>

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.<sup>97</sup>

#### 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.<sup>98</sup> 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.<sup>99</sup> The Office of K-20 Articulation within the DOE provides administrative support to the ACC.<sup>100</sup>

#### 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.<sup>101</sup>

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

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<sup>94</sup> Rule 6A-14.0303, F.A.C.

<sup>95</sup> Board of Governors Regulation 8.005.

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

<sup>97</sup> 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.

<sup>98</sup> Section 1007.01(3), F.S.

<sup>99</sup> Section 1007.01(3)(a) and (b), F.S.

<sup>100</sup> Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

<sup>101</sup> Rule 6A-10.024(1), F.A.C.

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

### ***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 language<sup>103</sup> and demonstration of civic literacy competency.<sup>104</sup>
  - 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

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<sup>102</sup> 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.

<sup>103</sup> 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.<sup>105</sup> 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.<sup>106</sup> 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.<sup>107</sup>

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

- 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.

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<sup>105</sup> Section 1012.86(1), F.S.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> 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.<sup>109</sup>

Specifically, to qualify as a resident for tuition purposes:<sup>110</sup>

- 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:<sup>111</sup>
  - 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.

<sup>109</sup> Section 1009.21, F.S.

<sup>110</sup> Section 1009.21(2)(a), F.S.

<sup>111</sup> 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:<sup>112</sup>
  - 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).<sup>113</sup> At the time of purchase, Prepaid Plans guarantee the future payment of certain costs associated with attendance at a postsecondary institution.<sup>114</sup> 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).<sup>115</sup>

The administration of the prepaid program is overseen by the Florida Prepaid College Board (board).<sup>116</sup> 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.<sup>117</sup> 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.<sup>118</sup>

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

<sup>112</sup> Section 1009.21(3)2., F.S.

<sup>113</sup> Section 1009.98(1)-(2), F.S.

<sup>114</sup> *Id.*

<sup>115</sup> Section 1009.98(3), F.S.

<sup>116</sup> Section 1009.971(1), F.S.

<sup>117</sup> Section 1009.971(4)(f), F.S.

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

<sup>119</sup> 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.<sup>120</sup>

By statute, for the 2012-2013 fiscal year, the base rate for the tuition differential fee was established at \$37.03 per credit hour.<sup>121</sup> 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:<sup>122</sup>

- If the actuarial reserve<sup>123</sup> 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.<sup>124</sup>

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:<sup>125</sup>
  - 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.

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<sup>120</sup> 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>.

<sup>121</sup> Section 1009.98(10)(b), F.S.

<sup>122</sup> Section 1009.98(10)(b)2., F.S.

<sup>123</sup> 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.

<sup>124</sup> Section 1009.98(10)(b)5., F.S.

<sup>125</sup> 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.<sup>126</sup>

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.<sup>127</sup> 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.<sup>128</sup>

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.<sup>129</sup>

### ***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.<sup>130</sup> These laws and rules outline the standards of conduct expected of certified educators in Florida.<sup>131</sup>

<sup>126</sup> Section 1009.98(10)(b)3., F.S.

<sup>127</sup> Section 1009.98(10)(c) and (d), F.S.

<sup>128</sup> Section 1009.98(10)(f), F.S.

<sup>129</sup> Section 1009.98(10)(e), F.S.

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

<sup>131</sup> 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 statute<sup>132</sup> that determines what penalty is issued in each case.<sup>133</sup>

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.<sup>134</sup>

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.<sup>135</sup>

### *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.

<sup>132</sup> Section 1012.79, F.S.

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

<sup>134</sup> Section 1012.79(5)-(6)(a), F.S.

<sup>135</sup> 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.



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LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| 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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11 taxpayers of this state are adequately safeguarded and protected  
12 during tax levy, assessment, collection, and enforcement  
13 processes administered under the revenue laws of this state. The  
14 Taxpayer's Bill of Rights compiles, in one document, brief but  
15 comprehensive statements that summarize the rights and  
16 obligations of the property appraisers, tax collectors, clerks  
17 of the court, local governing boards, the Department of Revenue,  
18 and taxpayers. Additional rights afforded to payors of taxes and  
19 assessments imposed under the revenue laws of this state are  
20 provided in s. 213.015. The rights afforded taxpayers to assure  
21 that their privacy and property are safeguarded and protected  
22 during tax levy, assessment, and collection are available only  
23 insofar as they are implemented in other parts of the Florida  
24 Statutes or rules of the Department of Revenue. The rights so  
25 guaranteed to state taxpayers in the Florida Statutes and the  
26 departmental rules include:

27 (1) THE RIGHT TO KNOW.—

28 (f) The right of an exemption recipient to be sent a  
29 renewal application for that exemption, the right to a receipt  
30 for homestead exemption claim when filed, and the right to  
31 notice of denial of the exemption (see ss. 196.011(7)  
32 ~~196.011(6)~~, 196.131(1), 196.151, and 196.193(1)(c) and (5)).

33  
34 Notwithstanding the right to information contained in this  
35 subsection, under s. 197.122 property owners are held to know  
36 that property taxes are due and payable annually and are charged  
37 with a duty to ascertain the amount of current and delinquent  
38 taxes and obtain the necessary information from the applicable  
39 governmental officials.



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40 (2) THE RIGHT TO DUE PROCESS.—

41 (b) The right to petition the value adjustment board over  
42 objections to assessments, denial of exemption, denial of  
43 agricultural classification, denial of historic classification,  
44 denial of high-water recharge classification, disapproval of tax  
45 deferral, and any penalties on deferred taxes imposed for  
46 incorrect information willfully filed. Payment of estimated  
47 taxes does not preclude the right of the taxpayer to challenge  
48 his or her assessment (see ss. 194.011(3), 196.011(7) and  
49 (10)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7),  
50 193.625(2), 197.2425, 197.301(2), and 197.2301(11) ss.  
51 194.011(3), 196.011(6) and (9)(a), 196.151, 196.193(1)(c) and  
52 (5), 193.461(2), 193.503(7), 193.625(2), 197.2425, 197.301(2),  
53 and 197.2301(11)).

54 (c) The right to file a petition for exemption or  
55 agricultural classification with the value adjustment board when  
56 an application deadline is missed, upon demonstration of  
57 particular extenuating circumstances for filing late (see ss.  
58 193.461(3)(a) and 196.011(1), (8), (9), and (10)(e) ss.  
59 193.461(3)(a) and 196.011(1), (7), (8), and (9)(e)).

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

62 192.048 Electronic transmission.—

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

65 (b) The tax exemption renewal application required under s.  
66 196.011(7)(a) s. 196.011(6)(a).

67 (c) The tax exemption renewal application required under s.  
68 196.011(7)(b) s. 196.011(6)(b).



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

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

73 196.082 Discounts for disabled veterans; surviving spouse  
74 carryover.—

75 (3) If the partially or totally and permanently disabled  
76 veteran predeceases his or her spouse and if, upon the death of  
77 the veteran, the spouse holds the legal or beneficial title to  
78 the homestead and permanently resides thereon as specified in s.  
79 196.031, the discount from ad valorem tax that the veteran  
80 received carries over to the benefit of the veteran's spouse  
81 until such time as he or she remarries or sells or otherwise  
82 disposes of the property. If the spouse sells or otherwise  
83 disposes of the property, a discount not to exceed the dollar  
84 amount granted from the most recent ad valorem tax roll may be  
85 transferred to his or her new residence, as long as it is used  
86 as his or her primary residence and he or she does not remarry.  
87 An applicant who is qualified to receive a discount under this  
88 section and who fails to file an application by March 1 may file  
89 an application for the discount and may file a petition pursuant  
90 to s. 194.011(3) with the value adjustment board requesting that  
91 the discount be granted. Such application and petition shall be  
92 subject to the same procedures as for exemptions set forth in s.  
93 196.011(9) ~~s. 196.011(8)~~.

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

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



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

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

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

104

105 Any applicant who is qualified to receive a discount under this  
106 section and who fails to file an application by March 1 may file  
107 an application for the discount and may file, pursuant to s.  
108 194.011(3), a petition with the value adjustment board  
109 requesting that the discount be granted. Such application and  
110 petition shall be subject to the same procedures as for  
111 exemptions set forth in s. 196.011(9) ~~s. 196.011(8)~~.

112 Section 4. Present subsections (5) through (12) of section  
113 196.011, Florida Statutes, are redesignated as subsections (6)  
114 through (13), respectively, a new subsection (5) is added to  
115 that section, and subsection (1) and present subsections (10)  
116 and (11) of that section are amended, to read:

117 196.011 Annual application required for exemption.—

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



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

131 (b) The form to apply for an exemption under s. 196.031, s.  
132 196.081, s. 196.091, s. 196.101, s. 196.102, s. 196.173, or s.  
133 196.202 must include a space for the applicant to list the  
134 social security number of the applicant and of the applicant's  
135 spouse, if any. If an applicant files a timely and otherwise  
136 complete application, and omits the required social security  
137 numbers, the application is incomplete. In that event, the  
138 property appraiser shall contact the applicant, who may refile a  
139 complete application by April 1. Failure to file a complete  
140 application by that date constitutes a waiver of the exemption  
141 privilege for that year, except as provided in subsection (7) or  
142 subsection (9) ~~(8)~~.

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



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

171 (11)~~(10)~~ At the option of the property appraiser and  
172 notwithstanding any other provision of this section, initial or  
173 original applications for homestead exemption for the succeeding  
174 year may be accepted and granted after March 1. Reapplication on  
175 a short form as authorized by subsection (6) ~~(5)~~ shall be  
176 required if the county has not waived the requirement of an  
177 annual application. Once the initial or original application and  
178 reapplication have been granted, the property may qualify for  
179 the exemption in each succeeding year pursuant to the provisions  
180 of subsection (7) ~~(6)~~ or subsection (10) ~~(9)~~.

181 (12)~~(11)~~ For exemptions enumerated in paragraph (1) (b),  
182 social security numbers of the applicant and the applicant's  
183 spouse, if any, are required and must be submitted to the  
184 department. Applications filed pursuant to subsection (6) ~~(5)~~ or



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

190 Section 5. Paragraph (a) of subsection (24) of section  
191 1002.33, Florida Statutes, is amended to read:

192 1002.33 Charter schools.—

193 (24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

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

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

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



214 sister.  
215  
216 Charter school personnel in schools operated by a municipality  
217 or other public entity are subject to s. 112.3135.

218 Section 6. Paragraph (b) of subsection (5) of section  
219 1002.45, Florida Statutes, is amended to read:

220 1002.45 Virtual instruction programs.—

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

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



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

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

251 1003.052 The Purple Star School District Program.—

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

255 1. Have at least 75 percent of the schools within the  
256 district be designated as Purple Star Campuses under s.  
257 1003.051.

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

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

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



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

275 1003.451 Junior Reserve Officers' Training Corps; military  
276 recruiters; access to public school campuses; Armed Services  
277 Vocational Aptitude Battery (ASVAB).—

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

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

288 1003.53 Dropout prevention and academic intervention.—

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



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

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

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

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

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

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



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330 out of the classroom; or

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

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

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

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

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



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

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

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



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

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

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

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

414 1004.051 Regulation of working students.—

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



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

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

424 Section 11. Present subsections (3) through (16) of section  
425 1006.38, Florida Statutes, are redesignated as subsections (4)  
426 through (17), respectively, a new subsection (3) is added to  
427 that section, and present subsections (14) and (16) of that  
428 section are amended, to read:

429 1006.38 Duties, responsibilities, and requirements of  
430 instructional materials publishers and manufacturers.—This  
431 section applies to both the state and district approval  
432 processes. Publishers and manufacturers of instructional  
433 materials, or their representatives, shall:

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

440 (15) ~~(14)~~ Accurately and fully disclose only the names of  
441 those persons who actually authored the instructional materials.  
442 In addition to the penalties provided in subsection (17) ~~(16)~~,  
443 the commissioner may remove from the list of state-adopted  
444 instructional materials those instructional materials whose  
445 publisher or manufacturer misleads the purchaser by falsely



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446 representing genuine authorship.

447 ~~(17)~~~~(16)~~ Upon the willful failure of the publisher or  
448 manufacturer to comply with the requirements of this section, be  
449 liable to the department in the amount of three times the total  
450 sum which the publisher or manufacturer was paid in excess of  
451 the price required under subsections ~~(5)~~ and (6) and (7) and in  
452 the amount of three times the total value of the instructional  
453 materials and services which the district school board is  
454 entitled to receive free of charge under subsection (8) ~~(7)~~.

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

457 1007.25 General education courses; common prerequisites;  
458 other degree requirements.—

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

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



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

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

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

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

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

503 b. Demonstration that all required coursework will count



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504 toward the associate in arts degree or the baccalaureate degree.

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

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

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

517 f. Responses to the comments received under subparagraph 2.

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

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



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

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

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

554           1007.271 Dual enrollment programs.—

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

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



562 enrollment courses.

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

565 1008.33 Authority to enforce public school improvement.—

566 (4) (a) The state board shall apply intensive intervention  
567 and support strategies tailored to the needs of schools earning  
568 two consecutive grades of "D" or a grade of "F." In the first  
569 full school year after a school initially earns a grade of "D,"  
570 the school district must immediately implement intervention and  
571 support strategies prescribed in rule under paragraph (3) (c).  
572 For a school that initially earns a grade of "F" or a second  
573 consecutive grade of "D," the school district must either  
574 continue implementing or immediately begin implementing  
575 intervention and support strategies prescribed in rule under  
576 paragraph (3) (c) and for the 2024-2025 school year provide the  
577 department, by September 1, with the memorandum of understanding  
578 negotiated pursuant to s. 1001.42(21) and, by October 1, a  
579 district-managed turnaround plan for approval by the state  
580 board. For the 2025-2026 school year and thereafter, the school  
581 district must provide the department, by August 1, with the  
582 memorandum of understanding negotiated pursuant to s.  
583 1001.42(21) and a district-managed turnaround plan for approval  
584 by the state board. The plan must include measurable academic  
585 benchmarks that put the school on a path to earning and  
586 maintaining a grade of "C" or higher ~~The district-managed~~  
587 ~~turnaround plan may include a proposal for the district to~~  
588 ~~implement an extended school day, a summer program, a~~  
589 ~~combination of an extended school day and a summer program, or~~  
590 ~~any other option authorized under paragraph (b) for state board~~



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

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

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

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

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



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620 school during this time.

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

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

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

638 e. The school district may not withhold an administrative  
639 fee for the provision of services identified in s.  
640 1002.33(20)(a); or

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



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649 one or a combination of the following:

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

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

660

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

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

671 (d) If a school earning two consecutive grades of "D" or a  
672 grade of "F" does not improve to a grade of "C" or higher after  
673 2 school years of implementing the turnaround option selected by  
674 the school district under paragraph (b), the school district  
675 must implement another turnaround option. Implementation of the  
676 turnaround option must begin the school year following the  
677 implementation period of the existing turnaround option, unless



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

681 (5) The state board shall adopt rules pursuant to ss.  
682 120.536(1) and 120.54 to administer this section. The rules  
683 shall include timelines for submission of implementation plans,  
684 approval criteria for implementation plans, ~~and~~ timelines for  
685 implementing intervention and support strategies, a standard  
686 charter school turnaround contract, a standard facility lease,  
687 and a mutual management agreement. The state board shall consult  
688 with education stakeholders in developing the rules.

689 Section 15. Paragraph (c) of subsection (3) of section  
690 1008.34, Florida Statutes, are amended to read:

691 1008.34 School grading system; school report cards;  
692 district grade.—

693 (3) DESIGNATION OF SCHOOL GRADES.—

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



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

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

725  
726 When the state board adjusts the grading scale upward, the state  
727 board must inform the public of the degree of the adjustment and  
728 its anticipated impact on school grades. Beginning in the 2024-  
729 2025 school year, any changes made by the state board to  
730 components in the school grades model or to the school grading  
731 scale shall go into effect, at the earliest, in the following  
732 school year.

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



736 in the calculation of any components.

737 Section 16. Paragraph (c) of subsection (3) of section  
738 1009.21, Florida Statutes, is amended to read:

739 1009.21 Determination of resident status for tuition  
740 purposes.—Students shall be classified as residents or  
741 nonresidents for the purpose of assessing tuition in  
742 postsecondary educational programs offered by charter technical  
743 career centers or career centers operated by school districts,  
744 in Florida College System institutions, and in state  
745 universities.

746 (3)

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

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

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



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

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

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

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

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

779 a. A declaration of domicile in Florida.

780 b. A Florida professional or occupational license.

781 c. Florida incorporation.

782 d. A document evidencing family ties in Florida.

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

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

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

793 1009.98 Stanley G. Tate Florida Prepaid College Program.—



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794 (10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—  
795 (a) As used in this subsection, the term:  
796 1. "Actuarial reserve" means the amount by which the  
797 expected value of the assets exceeds the expected value of the  
798 liabilities of the trust fund.  
799 2. "Dormitory fees" means the fees included under advance  
800 payment contracts pursuant to paragraph (2) (d).  
801 3. "Fiscal year" means the fiscal year of the state  
802 pursuant to s. 215.01.  
803 4. "Local fees" means the fees covered by an advance  
804 payment contract provided pursuant to subparagraph (2) (b)2.  
805 5. "Tuition differential" means the fee covered by advance  
806 payment contracts sold pursuant to subparagraph (2) (b)3. ~~The~~  
807 ~~base rate for the tuition differential fee for the 2012-2013~~  
808 ~~fiscal year is established at \$37.03 per credit hour. The base~~  
809 ~~rate for the tuition differential in subsequent years is the~~  
810 ~~amount assessed for the tuition differential for the preceding~~  
811 ~~year adjusted pursuant to subparagraph (b)2.~~  
812 (b) Effective with the 2022-2023 ~~2009-2010~~ academic year  
813 and thereafter, and notwithstanding s. 1009.24, the amount paid  
814 by the board to any state university on behalf of a qualified  
815 beneficiary of an advance payment contract whose contract was  
816 purchased before July 1, 2034 ~~2024~~, shall be:  
817 1. As to registration fees, if the actuarial reserve is  
818 less than 5 percent of the expected liabilities of the trust  
819 fund, the board shall pay the state universities 5.5 percent  
820 above the amount assessed for registration fees in the preceding  
821 fiscal year. If the actuarial reserve is between 5 percent and 6  
822 percent of the expected liabilities of the trust fund, the board



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823 shall pay the state universities 6 percent above the amount  
824 assessed for registration fees in the preceding fiscal year. If  
825 the actuarial reserve is between 6 percent and 7.5 percent of  
826 the expected liabilities of the trust fund, the board shall pay  
827 the state universities 6.5 percent above the amount assessed for  
828 registration fees in the preceding fiscal year. If the actuarial  
829 reserve is equal to or greater than 7.5 percent of the expected  
830 liabilities of the trust fund, the board shall pay the state  
831 universities 7 percent above the amount assessed for  
832 registration fees in the preceding fiscal year, whichever is  
833 greater.

834         2. As to the tuition differential, if the actuarial reserve  
835 is less than 5 percent of the expected liabilities of the trust  
836 fund, the board shall pay the state universities 5.5 percent  
837 above the amount assessed ~~base rate~~ for the tuition differential  
838 fee in the preceding fiscal year. If the actuarial reserve is  
839 between 5 percent and 6 percent of the expected liabilities of  
840 the trust fund, the board shall pay the state universities 6  
841 percent above the amount assessed ~~base rate~~ for the tuition  
842 differential fee in the preceding fiscal year. If the actuarial  
843 reserve is between 6 percent and 7.5 percent of the expected  
844 liabilities of the trust fund, the board shall pay the state  
845 universities 6.5 percent above the amount assessed ~~base rate~~ for  
846 the tuition differential fee in the preceding fiscal year. If  
847 the actuarial reserve is equal to or greater than 7.5 percent of  
848 the expected liabilities of the trust fund, the board shall pay  
849 the state universities 7 percent above the amount assessed ~~base~~  
850 ~~rate~~ for the tuition differential fee in the preceding fiscal  
851 year.



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

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

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

861           (c) Notwithstanding the amount assessed for registration  
862 fees, the tuition differential, or local fees, the amount paid  
863 by the board to any state university on behalf of a qualified  
864 beneficiary of an advance payment contract purchased before July  
865 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount  
866 charged by the state university for the aggregate sum of those  
867 fees.

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

874           (e) Notwithstanding the number of credit hours used by a  
875 state university to assess the amount for registration fees,  
876 tuition, tuition differential, or local fees, the amount paid by  
877 the board to any state university on behalf of a qualified  
878 beneficiary of an advance payment contract purchased before July  
879 1, 2034 ~~July 1, 2024~~, may not exceed the number of credit hours  
880 taken by that qualified beneficiary at the state university.



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

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

889 1012.79 Education Practices Commission; organization.—

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

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

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

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



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

912 1001.64 Florida College System institution boards of  
913 trustees; powers and duties.—

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

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

928 1001.65 Florida College System institution presidents;  
929 powers and duties.—The president is the chief executive officer  
930 of the Florida College System institution, shall be corporate  
931 secretary of the Florida College System institution board of  
932 trustees, and is responsible for the operation and  
933 administration of the Florida College System institution. Each  
934 Florida College System institution president shall:

935 ~~(22) Submit an annual employment accountability plan to the~~  
936 ~~Department of Education pursuant to the provisions of s.~~  
937 ~~1012.86.~~

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



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

940 And the title is amended as follows:

941 Delete everything before the enacting clause

942 and insert:

943 A bill to be entitled

944 An act relating to education; amending ss. 192.0105,  
945 192.048, and 196.082, F.S.; conforming cross-  
946 references; amending s. 196.011, F.S.; providing that  
947 an annual application for exemption on property used  
948 to house a charter school is not required; requiring  
949 the owner or lessee of such property to notify the  
950 property appraiser in specified circumstances;  
951 providing penalties; amending s. 1002.33, F.S.;  
952 revising the definition of the term "charter school  
953 personnel"; amending s. 1002.45 providing  
954 responsibilities for approved virtual instruction  
955 program providers, virtual charter schools, and school  
956 districts relating to statewide assessments and  
957 progress monitoring for certain students; creating s.  
958 1003.052, F.S.; establishing the Purple Star School  
959 District Program; providing requirements for such  
960 program; authorizing the Department of Education to  
961 establish additional program criteria; authorizing the  
962 State Board of Education to adopt rules; amending s.  
963 1003.451, F.S.; requiring school districts and charter  
964 schools to provide certain students with an  
965 opportunity to take the Armed Services Vocational  
966 Aptitude Battery and consult with a military  
967 recruiter; providing requirements for the scheduling



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968 of such test; amending s. 1003.53, F.S.; revising  
969 requirements for the assignment of students to  
970 disciplinary programs and alternative school settings  
971 or other programs; revising requirements for dropout  
972 prevention and academic intervention programs;  
973 requiring such programs to include academic  
974 intervention plans for students; providing  
975 requirements for such plans; providing that specified  
976 provisions apply to all dropout prevention and  
977 academic intervention programs; requiring school  
978 principals or their designees to make a reasonable  
979 effort to notify parents by specified means and to  
980 document such effort; creating s. 1004.051, F.S.;  
981 prohibiting a public postsecondary institution from  
982 implicitly or explicitly prohibiting specified  
983 students from being employed; providing applicability;  
984 amending s. 1006.38, F.S.; requiring instructional  
985 materials publishers and manufacturers or their  
986 representatives to make sample copies of specified  
987 instructional materials available electronically for  
988 use by certain institutes for a specified purpose;  
989 amending s. 1007.25, F.S.; creating associate in arts  
990 specialized transfer degrees; providing requirements  
991 for such degrees; providing a process for the approval  
992 of such degree programs; requiring the state board to  
993 adopt specified rules; amending s. 1007.271, F.S.;  
994 requiring district school boards to make reasonable  
995 efforts to enter into specified agreements with a  
996 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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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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59 amending ss. 1002.33, 1002.332, 1002.333, 1008.34, and  
60 1011.62, F.S.; conforming cross-references; providing  
61 an effective date.

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. Paragraph (b) of subsection (5) of section  
66 1002.45, Florida Statutes, is amended to read:

67 1002.45 Virtual instruction programs.—

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

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

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

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

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88 1008.24, all progress monitoring under s. 1008.25(9) and  
89 statewide assessments must be taken at the school to which the  
90 student would be assigned according to district school board  
91 attendance areas.

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

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

97 1003.052 Purple Star School Districts.—

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

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

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

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

116 (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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291 section applies to both the state and district approval  
 292 processes. Publishers and manufacturers of instructional  
 293 materials, or their representatives, shall:

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

302 (15)(14) Accurately and fully disclose only the names of  
 303 those persons who actually authored the instructional materials.  
 304 In addition to the penalties provided in subsection (17) (16),  
 305 the commissioner may remove from the list of state-adopted  
 306 instructional materials those instructional materials whose  
 307 publisher or manufacturer misleads the purchaser by falsely  
 308 representing genuine authorship.

309 (17)(16) Upon the willful failure of the publisher or  
 310 manufacturer to comply with the requirements of this section, be  
 311 liable to the department in the amount of three times the total  
 312 sum which the publisher or manufacturer was paid in excess of  
 313 the price required under subsections (6) (5) and (7) (6) and in  
 314 the amount of three times the total value of the instructional  
 315 materials and services which the district school board is  
 316 entitled to receive free of charge under subsection (8) (7).

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

319 1008.33 Authority to enforce public school improvement.-

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

326 (b) For a school that initially earns a grade of "F" or a  
 327 second consecutive grade of "D," the school district must either  
 328 continue implementing or immediately begin implementing  
 329 intervention and support strategies prescribed in rule under  
 330 paragraph (3) (c) and provide the department, by August ~~September~~  
 331 1, with the memorandum of understanding negotiated pursuant to  
 332 s. 1001.42(21) and, ~~by October 1~~, a district-managed turnaround  
 333 plan for approval by the state board. The plan must include  
 334 measurable academic benchmarks that put the school on a path to  
 335 earning and maintaining a grade of "C" or higher ~~The district-~~  
 336 ~~managed turnaround plan may include a proposal for the district~~  
 337 ~~to implement an extended school day, a summer program, a~~  
 338 ~~combination of an extended school day and a summer program, or~~  
 339 ~~any other option authorized under paragraph (b) for state board~~  
 340 ~~approval. A school district is not required to wait until a~~  
 341 ~~school earns a second consecutive grade of "D" to submit a~~  
 342 ~~turnaround plan for approval by the state board under this~~  
 343 ~~paragraph.~~ Upon approval by the state board, the school district  
 344 must implement the plan for the remainder of the school year and  
 345 continue the plan for 1 full school year. The state board may  
 346 allow a school an additional year of implementation before the  
 347 school must implement a turnaround option required under  
 348 paragraph (c) ~~(b)~~ if it determines that the school is likely to

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

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

356 1. Reassign students to another school and monitor the  
357 progress of each reassigned student.~~+~~

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

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

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

377 c. The charter school operator shall serve the existing

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

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

387 e. The school district may not withhold an administrative  
388 fee for the provision of services identified in s.  
389 1002.33(20) (a).

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

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

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

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

409  
410 A school district and outside entity under this subparagraph  
411 must enter, at minimum, a 2-year, performance-based contract.  
412 The contract must include school performance and growth metrics  
413 the outside entity must meet on an annual basis. The state board  
414 may require the school district to modify or cancel the  
415 contract.

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

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

429 (5) The state board shall adopt rules pursuant to ss.  
430 120.536(1) and 120.54 to administer this section. The rules  
431 shall include timelines for submission of implementation plans,  
432 approval criteria for implementation plans, and timelines for  
433 implementing intervention and support strategies, a standard  
434 charter school turnaround contract, standard facility lease, and  
435 mutual management agreement. The state board shall consult with

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436 education stakeholders in developing the rules.

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

440 1012.79 Education Practices Commission; organization.—

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

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

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

460 Section 7. Paragraph (n) of subsection (9) of section  
461 1002.33, Florida Statutes, is amended to read:

462 1002.33 Charter schools.—

463 (9) CHARTER SCHOOL REQUIREMENTS.—

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

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

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

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

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

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

486 (IV) Voluntarily close the charter school.

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

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

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

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

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

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

519 a. The charter school is established to turn around the  
 520 performance of a district public school pursuant to s.  
 521 1008.33(4)(c)2. ~~s. 1008.33(4)(b)2.~~ Such charter schools shall be  
 522 governed by s. 1008.33;

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

530 c. The state board grants the charter school a waiver of  
 531 termination. The charter school must request the waiver within  
 532 15 days after the department's official release of school  
 533 grades. The state board may waive termination if the charter  
 534 school demonstrates that the Learning Gains of its students on  
 535 statewide assessments are comparable to or better than the  
 536 Learning Gains of similarly situated students enrolled in nearby  
 537 public schools. The waiver is valid for 1 year and may only be  
 538 granted once. Charter schools that have been in operation for  
 539 more than 5 years are not eligible for a waiver under this sub-  
 540 subparagraph.

541  
 542 The sponsor shall notify the charter school's governing board,  
 543 the charter school principal, and the department in writing when  
 544 a charter contract is terminated under this subparagraph. A  
 545 charter terminated under this subparagraph must follow the  
 546 procedures for dissolution and reversion of public funds  
 547 pursuant to paragraphs (8)(d)-(f) and (9)(o).

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

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

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

561 Section 8. Paragraph (b) of subsection (1) of section  
 562 1002.332, Florida Statutes, is amended to read:

563 1002.332 High-performing charter school system.—

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

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

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

569 2. Operated a system of charter schools in which at least  
 570 50 percent of the charter schools were high-performing charter  
 571 schools pursuant to s. 1002.331 and no charter school earned a  
 572 school grade of "D" or "F" pursuant to s. 1008.34 in any of the  
 573 previous 3 school years regardless of whether the entity  
 574 currently operates the charter school, except that:

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

580 b. If the entity established a new charter school that

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

589 3. Did not receive a financial audit that revealed one or  
 590 more of the financial emergency conditions set forth in s.  
 591 218.503(1) for any charter school assumed or established by the  
 592 entity in the most recent 3 fiscal years for which such audits  
 593 are available.

594 Section 9. Paragraph (d) of subsection (1) and subsection  
 595 (2) of section 1002.333, Florida Statutes, are amended to read:  
 596 1002.333 Persistently low-performing schools.—

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

598 (d) "School of hope" means:

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

600 a. Serves students from one or more persistently low-

601 performing schools and students who reside in a Florida

602 Opportunity Zone;

603 b. Is located in a Florida Opportunity Zone or in the

604 attendance zone of a persistently low-performing school or

605 within a 5-mile radius of such school, whichever is greater; and

606 c. Is a Title I eligible school; or

607 2. A school operated by a hope operator pursuant to s.

608 1008.33(4)(c)3. ~~s. 1008.33(4)(b)3.~~

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

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

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

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

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

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

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

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

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

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

638 (c) The operator receives funding through the National Fund

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

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

643  
644 An entity that meets the requirements of paragraph (b),  
645 paragraph (c), or paragraph (d) before the adoption by the state  
646 board of measurable criteria pursuant to paragraph (a) shall be  
647 designated as a hope operator. After the adoption of the  
648 measurable criteria, an entity, including a governing board that  
649 operates a school established pursuant to s. 1008.33(4)(c)3. ~~s.~~  
650 ~~1008.33(4)(b)3.~~, shall be designated as a hope operator if it  
651 meets the criteria of paragraph (a).

652 Section 10. Paragraph (b) of subsection (7) of section  
653 1008.34, Florida Statutes, is amended to read:

654 1008.34 School grading system; school report cards;  
655 district grade.—

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

663 (b) A school may not be required to select and implement a  
664 turnaround option pursuant to s. 1008.33 in the 2023-2024 school  
665 year based on the school's 2022-2023 grade. The benefits of s.  
666 1008.33(4)(d) ~~s. 1008.33(4)(e)~~, relating to a school being  
667 released from implementation of the turnaround option, and s.

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668 1008.33(4)(e) ~~s. 1008.33(4)(d)~~, relating to a school  
669 implementing strategies identified in its school improvement  
670 plan, apply to a school using turnaround options pursuant to s.  
671 1008.33 which improves to a grade of "C" or higher during the  
672 2022-2023 school year.

673  
674 This subsection is repealed July 1, 2025.

675 Section 11. Paragraph (b) of subsection (7) of section  
676 1011.62, Florida Statutes, is amended to read:

677 1011.62 Funds for operation of schools.—If the annual  
678 allocation from the Florida Education Finance Program to each  
679 district for operation of schools is not determined in the  
680 annual appropriations act or the substantive bill implementing  
681 the annual appropriations act, it shall be determined as  
682 follows:

683 (7) EDUCATIONAL ENRICHMENT ALLOCATION.—

684 (b) For district-managed turnaround schools as identified  
685 in s. 1008.33(4)(b) ~~s. 1008.33(4)(a)~~, schools that earn three  
686 consecutive grades below a "C," as identified in s.  
687 1008.33(4)(c)3. ~~s. 1008.33(4)(b)3.~~, and schools that have  
688 improved to a "C" and are no longer in turnaround status, as  
689 identified in s. 1008.33(4)(d) ~~s. 1008.33(4)(e)~~, a supplemental  
690 amount shall be added to their educational enrichment allocation  
691 for purposes of implementing the intervention and support  
692 strategies identified in the turnaround plan submitted pursuant  
693 to s. 1008.33.

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

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697 provided in the General Appropriations Act.

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

706 3. A school district may enter into a formal agreement with  
707 a nonprofit organization that has tax-exempt status under s.  
708 501(c)(3) of the Internal Revenue Code to implement an  
709 integrated student support service model that provides students  
710 and families with access to wrap-around services, including, but  
711 not limited to, health services, after-school programs, drug  
712 prevention programs, college and career readiness programs, and  
713 food and clothing banks.

714 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

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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 that reads "Danny".

---

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

SB 996

Bill Number or Topic

Education PreK-12

Committee

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 [X] 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:

[X] 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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 996

Bill Number or Topic

Amendment Barcode (if applicable)

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

1/30/24

Meeting Date

PreK-12 Edu

Committee

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.)

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

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BILL: SPB 7048

INTRODUCER: Education Pre-K -12 Committee

SUBJECT: Education

DATE: February 1, 2024

REVISED: \_\_\_\_\_

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| ANALYST            | STAFF DIRECTOR | REFERENCE | ACTION                                |
|--------------------|----------------|-----------|---------------------------------------|
| 1. <u>Palazesi</u> | <u>Bouck</u>   | _____     | <b>ED Submitted as Comm. Bill/Fav</b> |

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**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:<sup>1</sup>
  - 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),<sup>2</sup> consisting of a scholarship for students attending private school and a scholarship for students in a personalized education program.<sup>3</sup>
- The Hope Scholarship Program (HSP).<sup>4</sup>

Private schools must meet specific criteria in order to be eligible to participate in Florida's scholarship programs<sup>5</sup> and the Department of Education (DOE)<sup>6</sup> and Commissioner of Education<sup>7</sup> are tasked with implementation and oversight responsibilities. Florida's scholarship programs are administered by scholarship funding organizations (SFO) approved by the DOE.<sup>8</sup>

### 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.<sup>9</sup> A private school may be sectarian or nonsectarian, must meet Florida's definition of a private school,<sup>10</sup> be registered with the state, and be in compliance with all the requirements of a private school.<sup>11</sup> A private school that participates in the scholarship program must also:<sup>12</sup>

- 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.

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

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

<sup>3</sup> Section 1002.395(7)(b), F.S.

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

<sup>5</sup> Section 1002.421(1), F.S.

<sup>6</sup> Section 1002.421(2), F.S.

<sup>7</sup> Section 1002.421(3), F.S.

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

<sup>9</sup> *See* s. 1002.421, F.S.

<sup>10</sup> *See* s. 1002.01(3), F.S.

<sup>11</sup> Section 1002.421(1), F.S.

<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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

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<sup>13</sup> Rule 6A-6.03315, F.A.C.

<sup>14</sup> Section 1002.395(6)(q), F.S.

<sup>15</sup> Section 1002.421(1), F.S.

include such individual on the disqualification list<sup>16</sup>, if the commissioner decides that the owner, officer, or director:<sup>17</sup>

- 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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup>

Among other requirements, to offer the program, a participating private school must:<sup>21</sup>

- 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).

<sup>16</sup> See s. 1001.10(4)(b), F.S.

<sup>17</sup> Section 1002.421(3)(c), F.S.

<sup>18</sup> Section 1002.394(16), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> Section 1002.394(16)(b), F.S.

<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup> The tax credit is equal to 100 percent of the eligible contributions made.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup>

#### 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.<sup>27</sup> 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.<sup>28</sup>

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

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<sup>22</sup> Section 1002.395(1)(b), F.S.

<sup>23</sup> 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).

<sup>24</sup> Sections 220.1875(1), 212.099(2), and 1002.395(5), F.S.

<sup>25</sup> 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.

<sup>26</sup> Chapter 2023-16, s. 6, Laws of Fla.

<sup>27</sup> 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.

<sup>28</sup> Section 1002.395(3)(b)1., F.S.

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

An FTC scholarship remains in force until the:<sup>31</sup>

- 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:<sup>32</sup>

- 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:<sup>33</sup>

- 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,<sup>34</sup> an approved preapprenticeship program,<sup>35</sup> 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.

<sup>29</sup> Section 1002.395(6)(d) and (11)(a)3., F.S.

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

<sup>31</sup> Section 1002.395(11)(f)., F.S.

<sup>32</sup> Section 1002.395(4), F.S.

<sup>33</sup> Section 1002.395(6)(d)2., F.S.

<sup>34</sup> 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.

<sup>35</sup> 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.<sup>36</sup>

### 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.<sup>37</sup> Students enrolled in a PEP are authorized to participate in the FTC scholarship program and the program satisfies mandatory school attendance requirements.<sup>38</sup> Students in PEP are provided access to the same programs and services as home education program students.<sup>39</sup>

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

- 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 plan<sup>41</sup> 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.

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<sup>36</sup> 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.

<sup>37</sup> Section 1002.01(2), F.S.

<sup>38</sup> Sections 1002.395(7)(b) and 1003.01(13)(f), F.S.

<sup>39</sup> Section 1002.01(2), F.S.

<sup>40</sup> Section 1002.395(7)(b), F.S.

<sup>41</sup> 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:<sup>42</sup>

- 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.<sup>43</sup>

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

- 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.<sup>45</sup> For the 2023-2024 school year, as of January 8, 2024, 18,081 PEP scholarships have been funded.<sup>46</sup>

#### 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:<sup>47</sup>

- Select an eligible private school,<sup>48</sup> 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.

<sup>42</sup> Section 1002.395(6)(e), F.S.

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

<sup>44</sup> Section 1002.395(6)(d)1., F.S.

<sup>45</sup> Id.

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

<sup>47</sup> Section 1002.395(7)(a)1.-8., F.S.

<sup>48</sup> 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.<sup>49</sup>
- 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.<sup>50</sup>

For the 2022-2023 school year, 100,025 students were funded a FTC private school scholarship<sup>51</sup> and 1,645 students were funded a FTC transportation scholarship.<sup>52</sup> As of January 8, 2024, 129,228 FTC scholarships for students attending private school have been funded for the 2023-2024 school year.<sup>53</sup>

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.<sup>54</sup> The SFO must make a scholarship payment no less frequently than quarterly.<sup>55</sup> 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).<sup>56</sup> The parent of an eligible student must approve each payment prior to the SFO transferring funds to the account.<sup>57</sup>

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

<sup>49</sup> 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.

<sup>50</sup> 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.

<sup>51</sup> 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*].

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

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

<sup>54</sup> Section 1002.395(6)(d)2., F.S.

<sup>55</sup> Section 1002.395(11)(d), F.S.

<sup>56</sup> Section 1002.395(11)(b), F.S.

<sup>57</sup> 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.<sup>58</sup>

Additionally, the SFO is required to verify a student's eligibility each fiscal year, prior to funding a scholarship for that fiscal year.<sup>59</sup> 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.<sup>60</sup>

The law permits reimbursements for scholarship program expenditures to continue until the account balance is expended or remaining funds have reverted to the state.<sup>61</sup> 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.<sup>62</sup>

### *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,<sup>63</sup> the Florida Virtual School,<sup>64</sup> and the Florida Scholars Academy.<sup>65</sup> The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program<sup>66</sup> 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.

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<sup>58</sup> Section 1002.395(6)(u), F.S.

<sup>59</sup> Section 1002.395(6)(l)3., F.S.

<sup>60</sup> Section 1002.395(11)(e), F.S.

<sup>61</sup> Section 1002.395(11)(g), F.S.

<sup>62</sup> Section 1002.395(11)(h), F.S.

<sup>63</sup> Section 1002.351, F.S.

<sup>64</sup> Section 1002.37, F.S.

<sup>65</sup> Section 985.619, F.S.

<sup>66</sup> 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.<sup>67</sup> 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).<sup>68</sup> Each scholarship has unique student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.<sup>69</sup>

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

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<sup>67</sup> Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.

<sup>68</sup> Section 1002.394(3)(a) and (3)(b), F.S.

<sup>69</sup> Section 1002.394, F.S.

educational savings account (ESA) by expanding the authorized uses for the FES-EO scholarship.<sup>70</sup> 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.<sup>71</sup>

### 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.<sup>72</sup>

A FES-EO scholarship remains in force until the:<sup>73</sup>

- 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:<sup>74</sup>

- 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:<sup>75</sup>

- 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.

<sup>70</sup> Chapter 2023-16, s. 5, Laws of Fla.

<sup>71</sup> Chapter 2023-350, s. 1, Laws of Fla.

<sup>72</sup> Section 1002.394(3)(a)1., F.S.

<sup>73</sup> Section 1002.394(5)(a)1., F.S.

<sup>74</sup> Section 1002.394(3)(b)1., F.S.

<sup>75</sup> 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:<sup>76</sup>

- 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 awards<sup>77</sup> 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 school<sup>78</sup> and 696 FES-EO transportation scholarships were funded.<sup>79</sup> In the 2023-2024 school year, as of January 8, 2024, 133,969 FES-private school scholarships have been funded<sup>80</sup> and 4,504 FES-EO transportation scholarships have been funded.<sup>81</sup>

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.<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

<sup>76</sup> Section 1002.394(6)(a)-(f), F.S.

<sup>77</sup> Chapter 2023-16, s. 5, Laws of Fla.

<sup>78</sup> Department of Education, *2022-23 FES EO by District*

<sup>79</sup> 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>.

<sup>80</sup> Department of Education, *2023-24 FES Educational Options*.

<sup>81</sup> Email, Department of Education, (January 8, 2024).

<sup>82</sup> Section 1002.394(12)(b)1., F.S.

<sup>83</sup> Chapter 2023-350, s. 1, Laws of Fla.

<sup>84</sup> 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.<sup>85</sup> 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.<sup>86</sup> The DOE determines the appropriate student scholarship funding amount and cross-checks scholarship students with public school enrollment to avoid duplication.<sup>87</sup>

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.<sup>88</sup> 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.<sup>89</sup> Parents must approve all payments before the SFO is authorized to transfer funds.<sup>90</sup>

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.<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup>

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.<sup>94</sup> The

<sup>85</sup> 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.

<sup>86</sup> 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.

<sup>87</sup> Section 1002.394(12)(a)3., F.S.

<sup>88</sup> 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.

<sup>89</sup> Section 1002.394(12)(a)4., F.S.

<sup>90</sup> Section 1002.394(10)(a)7. and (12)(a)4., F.S.

<sup>91</sup> 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>.

<sup>92</sup> Section 1002.394(3)(a)2.a., F.S.

<sup>93</sup> Section 1002.394(3)(a)2.b., F.S.

<sup>94</sup> 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.<sup>95</sup>

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.<sup>96</sup>

Reimbursements for program expenditures continue until the account balance is expended or remaining funds have reverted to the state.<sup>97</sup> A student's account must be closed, and any remaining funds will revert to the state, after:<sup>98</sup>

- 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 year<sup>99</sup> and the DOE is required to transfer eligible student scholarship funds, beginning August 1, to an SFO.<sup>100</sup> 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.<sup>101</sup>

#### Family Empowerment Scholarship –UA Awards

The FES-UA is funded through the FEFP with a scholarship awarded by a SFO.<sup>102</sup> 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.<sup>103</sup> For a student who has a Level IV or Level V matrix of services, a FES-UA

<sup>95</sup> Section 1002.394(10)(a)7., F.S.

<sup>96</sup> Section 1002.394(11)(a)5., F.S.

<sup>97</sup> Section 1002.394(5)(a)2.b., F.S.

<sup>98</sup> Section 1002.394(5)(a)2.a., F.S.

<sup>99</sup> Section 1002.394(11)(a)9., F.S.

<sup>100</sup> Section 1002.394(12)(a)3., F.S.

<sup>101</sup> Section 1002.391(12)(a)5., F.S.

<sup>102</sup> 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.

<sup>103</sup> 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.<sup>104</sup>

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.<sup>105</sup> Initial scholarship payments are made after the SFO verifies the student's participation.<sup>106</sup>

While eligible to participate in the FES-UA program, the following types of students are excluded from the maximum program capacity:<sup>107</sup>

- 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.<sup>108</sup> In the 2023-2024 school year, as of December 20, 2023, 93,682 FES-UA scholarships have been funded.<sup>109</sup> 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.<sup>110</sup>

#### Family Empowerment Scholarships – Parental and Student Responsibilities

Parents and students receiving an FES-EO scholarship must:<sup>111</sup>

- 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.

<sup>104</sup> 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.

<sup>105</sup> 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.

<sup>106</sup> Section 1002.394(12)(b)6., F.S.

<sup>107</sup> Section 1002.394(12)(b)1.a.-c., F.S.

<sup>108</sup> Email, Department of Education, *2022-23 FES UA by Eligibility and Grade*, (Jan 5, 2024).

<sup>109</sup> Email, Department of Education, *2023-24 FES Unique Abilities*, (Jan 5, 2024).

<sup>110</sup> Section 1002.394(12)(b)10., F.S.

<sup>111</sup> 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.<sup>112</sup>
- 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:<sup>113</sup>

- 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.<sup>114</sup>
    - 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.<sup>115</sup>
  - 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.<sup>116</sup>

#### Family Empowerment Scholarships – Authorized Uses

Authorized uses of FES-EO scholarship funds in an education savings account include:<sup>117</sup>

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<sup>112</sup> 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.

<sup>113</sup> Section 1002.394(10)(b), F.S.

<sup>114</sup> 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.

<sup>115</sup> 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.

<sup>116</sup> 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.

<sup>117</sup> 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 institution<sup>118</sup> or a program offered by the postsecondary educational institution,<sup>119</sup> an approved preapprenticeship program,<sup>120</sup> 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.<sup>121</sup>

A FES-UA scholarship for an eligible student with a disability may be used to cover the following expenses:<sup>122</sup>

- 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 services<sup>123</sup> 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 institution<sup>124</sup> or a

<sup>118</sup> “Eligible postsecondary educational institution” includes institutions that offer distance learning under a reciprocity agreement. *See, supra*, text accompanying note 47.

<sup>119</sup> Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship.

<sup>120</sup> 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.

<sup>121</sup> Section 1002.394(12)(a)2., F.S. The district expenditure per student riding a school bus is the amount determined by the DOE.

<sup>122</sup> Section 1002.394(4)(b)1.-15., F.S.

<sup>123</sup> 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.

<sup>124</sup> “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;<sup>125</sup> 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.<sup>126</sup>
- 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,<sup>127</sup> the Florida Virtual School,<sup>128</sup> and the Florida Scholars Academy.<sup>129</sup> The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program<sup>130</sup> 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.

<sup>125</sup> 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.

<sup>126</sup> 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.

<sup>127</sup> Section 1002.351, F.S.

<sup>128</sup> Section 1002.37, F.S.

<sup>129</sup> Section 985.619, F.S.

<sup>130</sup> 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 |
|---------------------|---------------------|--------------------|----------------------------------|-----------------------|
| <b>NEW</b>          | FES-EO and FES-UA   | Feb 1 - Nov 15     | December 15                      | September 1           |
| <b>RENEWAL</b>      | 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.<sup>131</sup> 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.

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<sup>131</sup> 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 incident<sup>132</sup> 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.<sup>133</sup> 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.<sup>134</sup> 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.<sup>135</sup> 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.<sup>136</sup> Unallocated HSP funds beyond the authorized 5 percent carry forward may be used to fund the FTC Program under certain circumstances.<sup>137</sup>

As of January 8, 2024, 538 HSP scholarships have been funded for the 2023-2024.<sup>138</sup>

### ***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

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<sup>132</sup> 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.

<sup>133</sup> Section 1002.40(1), F.S.

<sup>134</sup> Section 1002.40(6)(a), F.S.

<sup>135</sup> Section 1002.420(2)(d) and (13), F.S.

<sup>136</sup> Section 1002.420(3) and (6), F.S.

<sup>137</sup> See s. 1002.40(13), F.S.

<sup>138</sup> 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.<sup>139</sup> 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:<sup>140</sup>

- 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.<sup>141</sup>

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.<sup>142</sup> 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.<sup>143</sup>

<sup>139</sup> 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.

<sup>140</sup> Section 1002.421(2)(a), F.S.

<sup>141</sup> Sections 1002.394(8)(a)3. and 1002.395(9)(e), F.S.

<sup>142</sup> Section 1002.421(2)(b), F.S.

<sup>143</sup> 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.<sup>144</sup> 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:<sup>145</sup>

- 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.<sup>146</sup> The DOE must inform SFOs that students may not be submitted for FES funding after February 1, each year.<sup>147</sup> 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.<sup>148</sup>

#### Scholarship Funding Organization Responsibilities

Florida's scholarship programs are administered by DOE-approved SFOs.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> There are currently two SFOs approved to administer the FES-EO, the FES-UA, the FTC, the HSP, and the New Worlds Scholarship programs.<sup>152</sup>

<sup>144</sup> Section 1002.395(9)(f), F.S.

<sup>145</sup> Section 1002.395(9)(f)1., F.S.

<sup>146</sup> Section 1002.394(8)(a)2., F.S.

<sup>147</sup> Section 1002.394(8)(a)4., F.S.

<sup>148</sup> Section 1002.394(8)(c), F.S.

<sup>149</sup> Florida Department of Education, *Scholarship Funding Organizations*, <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/> (last visited Jan. 24, 2024).

<sup>150</sup> Section 1002.395(15), F.S.

<sup>151</sup> Section 1002.395(1)(f), F.S.

<sup>152</sup> 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:<sup>153</sup>

- 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:<sup>154</sup>

- 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.<sup>155</sup>

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.<sup>156</sup>

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.<sup>157</sup> 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.<sup>158</sup>

### ***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

<sup>153</sup> Section 1002.394(8)(a)11., F.S.

<sup>154</sup> Section 1002.395(9)(i), F.S.

<sup>155</sup> Section 1002.395(6)(l)2., F.S.

<sup>156</sup> 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.

<sup>157</sup> Section 1002.395(6)(t), F.S.

<sup>158</sup> *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).<sup>159</sup>

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.<sup>160</sup>

### ***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.<sup>161</sup> Under Florida law,<sup>162</sup> 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.

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<sup>159</sup> Section 1004.6495(5)(a)-(b), F.S.

<sup>160</sup> Section 1004.6495(5)(d), F.S.

<sup>161</sup> Section 1002.45(1)(a)3., F.S.

<sup>162</sup> 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.<sup>163</sup>

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.<sup>164</sup> 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.<sup>165</sup> The DOE must annually publish on its website a list of providers approved by the SBE to offer virtual instruction programs in this state.<sup>166</sup> To be approved, a virtual instruction program provider must document that it is nonsectarian in its programs, admission policies, employment practices, and operations.<sup>167</sup>

### *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.

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<sup>163</sup> Section 1002.321(3), F.S.

<sup>164</sup> Section 1002.45(1)(b)1., F.S.

<sup>165</sup> *Id.*

<sup>166</sup> Section 1002.45(2)(a), F.S.

<sup>167</sup> 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.<sup>168</sup>

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.

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<sup>168</sup> 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.

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

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FOR CONSIDERATION By the Committee on Education Pre-K -12

581-02369C-24

20247048pb

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.  
 95

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

97  
 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)(1) 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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175 provided by the department. Such report shall include:

176 1. The federal employer identification number of each  
 177 designated agent, private tag agent, or dealer who remitted  
 178 contributions to the organization during that reporting period.

179 2. The amount of contributions received from each  
 180 designated agent, private tag agent, or dealer during that  
 181 reporting period.

182 (c) A person who, with the intent to unlawfully deprive or  
 183 defraud the program of its moneys or the use or benefit thereof,  
 184 fails to remit a contribution collected under this section is  
 185 guilty of theft, punishable as follows:

186 1. If the total amount stolen is less than \$300, the  
 187 offense is a misdemeanor of the second degree, punishable as  
 188 provided in s. 775.082 or s. 775.083. Upon a second conviction,  
 189 the offender commits a misdemeanor of the first degree,  
 190 punishable as provided in s. 775.082 or s. 775.083. Upon a third  
 191 or subsequent conviction, the offender commits a felony of the  
 192 third degree, punishable as provided in s. 775.082, s. 775.083,  
 193 or s. 775.084.

194 2. If the total amount stolen is \$300 or more, but less  
 195 than \$20,000, the offense is a felony of the third degree,  
 196 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

197 3. If the total amount stolen is \$20,000 or more, but less  
 198 than \$100,000, the offense is a felony of the second degree,  
 199 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

200 4. If the total amount stolen is \$100,000 or more, the  
 201 offense is a felony of the first degree, punishable as provided  
 202 in s. 775.082, s. 775.083, or s. 775.084.

203 (d) A person convicted of an offense under paragraph (c)

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204 shall be ordered by the sentencing judge to make restitution to  
 205 the organization in the amount that was stolen from the program.

206 (e) Upon a finding that a dealer failed to remit a  
 207 contribution under subparagraph (a)3. for which the dealer  
 208 claimed a credit pursuant to this subsection, the department  
 209 shall notify the affected organizations of the dealer's name,  
 210 address, federal employer identification number, and information  
 211 related to differences between credits taken by the dealer  
 212 pursuant to this subsection and amounts remitted to the eligible  
 213 nonprofit scholarship-funding organization under subparagraph  
 214 (a)3.

215 (f) Any dealer, designated agent, private tag agent, or  
 216 organization that fails to timely submit reports to the  
 217 department as required in paragraphs (a) and (b) is subject to a  
 218 penalty of \$1,000 for every month, or part thereof, the report  
 219 is not submitted, up to a maximum amount of \$10,000. Such  
 220 penalty shall be collected by the department and shall be  
 221 transferred into the General Revenue Fund. Such penalty must be  
 222 settled or compromised if it is determined by the department  
 223 that the noncompliance is due to reasonable cause and not due to  
 224 willful negligence, willful neglect, or fraud.

225 (4)-(3) For purposes of the distributions of tax revenue  
 226 under s. 212.20, the department shall disregard any tax credits  
 227 allowed under this section to ensure that any reduction in tax  
 228 revenue received that is attributable to the tax credits results  
 229 only in a reduction in distributions to the General Revenue  
 230 Fund. Section 1002.395 applies ~~The provisions of s. 1002.40~~  
 231 apply to the credit authorized by this section.

232 Section 2. Paragraph (a) of subsection (22) of section

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233 213.053, Florida Statutes, is amended to read:

234 213.053 Confidentiality and information sharing.—

235 (22) (a) The department may provide to an eligible nonprofit  
236 scholarship-funding organization, as defined in s. 1002.395 ~~or~~  
237 ~~1002.40~~, a dealer's name, address, federal employer  
238 identification number, and information related to differences  
239 between credits taken by the dealer pursuant to s. 212.1832(2)  
240 and amounts remitted to the eligible nonprofit scholarship-  
241 funding organization pursuant to s. 212.1832(3)(a)3. ~~under s.~~  
242 ~~1002.40(13)(b)3.~~ The eligible nonprofit scholarship-funding  
243 organization may use the information for purposes of recovering  
244 eligible contributions designated for that organization that  
245 were collected by the dealer but never remitted to the  
246 organization.

247 Section 3. Subsections (3) and (4), paragraphs (a), (b),  
248 and (c) of subsection (5), paragraphs (a), (c), and (d) of  
249 subsection (6), paragraph (d) of subsection (7), paragraph (a)  
250 of subsection (8), paragraph (b) of subsection (9), and  
251 subsections (10), (11), (12), and (16) of section 1002.394,  
252 Florida Statutes, as amended by chapter 2023-350, Laws of  
253 Florida, are amended, and paragraph (d) is added to subsection  
254 (8) of that section, to read:

255 1002.394 The Family Empowerment Scholarship Program.—

256 (3) SCHOLARSHIP ELIGIBILITY.—

257 (a)1. A parent of a student may apply for ~~request~~ and  
258 receive from the state a scholarship for the purposes specified  
259 in paragraph (4) (a) if the student:

260 a. Is a resident of this state or the dependent child of an  
261 active duty member of the United States Armed Forces who has

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262 received permanent change of station orders to this state; and  
263 b. Is eligible to enroll in kindergarten through grade 12  
264 in a public school in this state or received a scholarship under  
265 the Hope Scholarship Program in the 2023-2024 school year.

266 2. Priority must be given in the following order:

267 a. A student whose household income level does not exceed  
268 185 percent of the federal poverty level or who is in foster  
269 care or out-of-home care.

270 b. A student whose household income level exceeds 185  
271 percent of the federal poverty level, but does not exceed 400  
272 percent of the federal poverty level.

273 (b) A parent of a student with a disability may apply for  
274 ~~request~~ and receive from the state a scholarship for the  
275 purposes specified in paragraph (4) (b) if the student:

276 1. Is a resident of this state or the dependent child of an  
277 active duty member of the United States Armed Forces who has  
278 received permanent change of station orders to this state or, at  
279 the time of renewal, whose home of record or state of legal  
280 residence is Florida;

281 2. Is 3 or 4 years of age during ~~on or before September 1~~  
282 ~~of~~ the year in which the student applies for program  
283 participation or is eligible to enroll in kindergarten through  
284 grade 12 in a public school in this state;

285 3. Has a disability as defined in subsection (2); and

286 4. Is the subject of an IEP written in accordance with  
287 rules of the State Board of Education or with the applicable  
288 rules of another state or has received a diagnosis of a  
289 disability from a physician who is licensed under chapter 458 or  
290 chapter 459, a psychologist who is licensed under chapter 490,

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291 or a physician who holds an active license issued by another  
 292 state or territory of the United States, the District of  
 293 Columbia, or the Commonwealth of Puerto Rico.

294 ~~(c) An approved student who does not receive a scholarship~~  
 295 ~~must be placed on the wait list in the order in which the~~  
 296 ~~student is approved. An eligible student who does not receive a~~  
 297 ~~scholarship within the fiscal year must be retained on the wait~~  
 298 ~~list for the subsequent year.~~

299 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

302 1. Tuition and fees at an eligible private school.

303 2. Transportation to a Florida public school in which a  
 304 student is enrolled and that is different from the school to  
 305 which the student was assigned or to a lab school as defined in  
 306 s. 1002.32.

307 3. Instructional materials, including digital materials and  
 308 Internet resources. Equipment used as instructional materials  
 309 may only be purchased for subjects in language arts and reading,  
 310 mathematics, social studies, and science.

311 4. Curriculum as defined in subsection (2).

312 5. Tuition and fees associated with full-time or part-time  
 313 enrollment in an eligible postsecondary educational institution  
 314 or a program offered by the postsecondary educational  
 315 institution, unless the program is subject to s. 1009.25 or  
 316 reimbursed pursuant to s. 1009.30; an approved preapprenticeship  
 317 program as defined in s. 446.021(5) which is not subject to s.  
 318 1009.25 and complies with all applicable requirements of the  
 319 department pursuant to chapter 1005; a private tutoring program

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320 authorized under s. 1002.43; a virtual program offered by a  
 321 department-approved private online provider that meets the  
 322 provider qualifications specified in s. 1002.45(2) (a); the  
 323 Florida Virtual School as a private paying student; or an  
 324 approved online course offered pursuant to s. 1003.499 or s.  
 325 1004.0961.

326 6. Fees for nationally standardized, norm-referenced  
 327 achievement tests, Advanced Placement Examinations, industry  
 328 certification examinations, assessments related to postsecondary  
 329 education, or other assessments.

330 7. Contracted services provided by a public school or  
 331 school district, including classes. A student who receives  
 332 contracted services under this subparagraph is not considered  
 333 enrolled in a public school for eligibility purposes as  
 334 specified in subsection (6) but rather attending a public school  
 335 on a part-time basis as authorized under s. 1002.44.

336 8. Tuition and fees for part-time tutoring services or fees  
 337 for services provided by a choice navigator. Such services must  
 338 be provided by a person who holds a valid Florida educator's  
 339 certificate pursuant to s. 1012.56, a person who holds an  
 340 adjunct teaching certificate pursuant to s. 1012.57, a person  
 341 who has a bachelor's degree or a graduate degree in the subject  
 342 area in which instruction is given, a person who has  
 343 demonstrated a mastery of subject area knowledge pursuant to s.  
 344 1012.56(5), or a person certified by a nationally or  
 345 internationally recognized research-based training program as  
 346 approved by the department. As used in this subparagraph, the  
 347 term "part-time tutoring services" does not qualify as regular  
 348 school attendance as defined in s. 1003.01(16) (e).

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349 (b) Program funds awarded to a student with a disability  
 350 determined eligible pursuant to paragraph (3)(b) may be used for  
 351 the following purposes:

352 1. Instructional materials, including digital devices,  
 353 digital periphery devices, and assistive technology devices that  
 354 allow a student to access instruction or instructional content  
 355 and training on the use of and maintenance agreements for these  
 356 devices.

357 2. Curriculum as defined in subsection (2).

358 3. Specialized services by approved providers or by a  
 359 hospital in this state which are selected by the parent. These  
 360 specialized services may include, but are not limited to:

361 a. Applied behavior analysis services as provided in ss.  
 362 627.6686 and 641.31098.

363 b. Services provided by speech-language pathologists as  
 364 defined in s. 468.1125(8).

365 c. Occupational therapy as defined in s. 468.203.

366 d. Services provided by physical therapists as defined in  
 367 s. 486.021(8).

368 e. Services provided by listening and spoken language  
 369 specialists and an appropriate acoustical environment for a  
 370 child who has a hearing impairment, including deafness, and who  
 371 has received an implant or assistive hearing device.

372 4. Tuition and fees associated with full-time or part-time  
 373 enrollment in a home education program; an eligible private  
 374 school; an eligible postsecondary educational institution or a  
 375 program offered by the postsecondary educational institution,  
 376 unless the program is subject to s. 1009.25 or reimbursed  
 377 pursuant to s. 1009.30; an approved preapprenticeship program as

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378 defined in s. 446.021(5) which is not subject to s. 1009.25 and  
 379 complies with all applicable requirements of the department  
 380 pursuant to chapter 1005; a private tutoring program authorized  
 381 under s. 1002.43; a virtual program offered by a department-  
 382 approved private online provider that meets the provider  
 383 qualifications specified in s. 1002.45(2)(a); the Florida  
 384 Virtual School as a private paying student; or an approved  
 385 online course offered pursuant to s. 1003.499 or s. 1004.0961.

386 5. Fees for nationally standardized, norm-referenced  
 387 achievement tests, Advanced Placement Examinations, industry  
 388 certification examinations, assessments related to postsecondary  
 389 education, or other assessments.

390 6. Contributions to the Stanley G. Tate Florida Prepaid  
 391 College Program pursuant to s. 1009.98 or the Florida College  
 392 Savings Program pursuant to s. 1009.981 for the benefit of the  
 393 eligible student.

394 7. Contracted services provided by a public school or  
 395 school district, including classes. A student who receives  
 396 services under a contract under this paragraph is not considered  
 397 enrolled in a public school for eligibility purposes as  
 398 specified in subsection (6) but rather attending a public school  
 399 on a part-time basis as authorized under s. 1002.44.

400 8. Tuition and fees for part-time tutoring services or fees  
 401 for services provided by a choice navigator. Such services must  
 402 be provided by a person who holds a valid Florida educator's  
 403 certificate pursuant to s. 1012.56, a person who holds an  
 404 adjunct teaching certificate pursuant to s. 1012.57, a person  
 405 who has a bachelor's degree or a graduate degree in the subject  
 406 area in which instruction is given, a person who has

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407 demonstrated a mastery of subject area knowledge pursuant to s.  
 408 1012.56(5), or a person certified by a nationally or  
 409 internationally recognized research-based training program as  
 410 approved by the department. As used in this subparagraph, the  
 411 term "part-time tutoring services" does not qualify as regular  
 412 school attendance as defined in s. 1003.01(16)(e).  
 413 9. Fees for specialized summer education programs.  
 414 10. Fees for specialized after-school education programs.  
 415 11. Transition services provided by job coaches. Transition  
 416 services are a coordinated set of activities which are focused  
 417 on improving the academic and functional achievement of a  
 418 student with a disability to facilitate the student's movement  
 419 from school to postschool activities and are based on the  
 420 student's needs.  
 421 12. Fees for an annual evaluation of educational progress  
 422 by a state-certified teacher under s. 1002.41(1)(f), if this  
 423 option is chosen for a home education student.  
 424 13. Tuition and fees associated with programs offered by  
 425 Voluntary Prekindergarten Education Program providers approved  
 426 pursuant to s. 1002.55, ~~and~~ school readiness providers approved  
 427 pursuant to s. 1002.88, and prekindergarten programs offered by  
 428 an eligible private school.  
 429 14. Fees for services provided at a center that is a member  
 430 of the Professional Association of Therapeutic Horsemanship  
 431 International.  
 432 15. Fees for services provided by a therapist who is  
 433 certified by the Certification Board for Music Therapists or  
 434 credentialed by the Art Therapy Credentials Board, Inc.  
 435 (5) TERM OF SCHOLARSHIP.—For purposes of continuity of

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436 educational choice:  
 437 (a)1. A scholarship ~~funded awarded~~ to an eligible student  
 438 pursuant to paragraph (3)(a) shall remain in force until:  
 439 a. The organization determines that the student is not  
 440 eligible for program renewal;  
 441 b. The Commissioner of Education suspends or revokes  
 442 program participation or use of funds;  
 443 c. The student's parent has forfeited participation in the  
 444 program for failure to comply with subsection (10);  
 445 d. The student, who uses the scholarship for tuition and  
 446 fees pursuant to subparagraph (4)(a)1., enrolls in a public  
 447 school. However, if a student enters a Department of Juvenile  
 448 Justice detention center for a period of no more than 21 days,  
 449 the student is not considered to have returned to a public  
 450 school on a full-time basis for that purpose; or  
 451 e. The student graduates from high school or attains 21  
 452 years of age, whichever occurs first.  
 453 2.a. The student's scholarship account must be closed and  
 454 any remaining funds shall revert to the state after:  
 455 (I) Denial or revocation of program eligibility by the  
 456 commissioner for fraud or abuse, including, but not limited to,  
 457 the student or student's parent accepting any payment, refund,  
 458 or rebate, in any manner, from a provider of any services  
 459 received pursuant to paragraph (4)(a); ~~or~~  
 460 (II) Two consecutive fiscal years in which an account has  
 461 been inactive; or  
 462 (III) A student remains unenrolled in an eligible private  
 463 school for 30 days while receiving a scholarship that requires  
 464 full-time enrollment.

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465 b. Reimbursements for program expenditures may continue  
 466 until the account balance is expended or remaining funds have  
 467 reverted to the state.

468 (b)1. A scholarship ~~funded awarded~~ to an eligible student  
 469 pursuant to paragraph (3)(b) shall remain in force until:

470 a. The parent does not renew program eligibility;

471 b. The organization determines that the student is not  
 472 eligible for program renewal;

473 c. The Commissioner of Education suspends or revokes  
 474 program participation or use of funds;

475 d. The student's parent has forfeited participation in the  
 476 program for failure to comply with subsection (10);

477 e. The student enrolls full time in a public school; or

478 f. The student graduates from high school or attains 22  
 479 years of age, whichever occurs first.

480 2. Reimbursements for program expenditures may continue  
 481 until the account balance is expended or the account is closed.

482 3. A student's scholarship account must be closed and any  
 483 remaining funds, including, but not limited to, contributions  
 484 made to the Stanley G. Tate Florida Prepaid College Program or  
 485 earnings from or contributions made to the Florida College  
 486 Savings Program using program funds pursuant to subparagraph  
 487 (4)(b)6., shall revert to the state after:

488 a. Denial or revocation of program eligibility by the  
 489 commissioner for fraud or abuse, including, but not limited to,  
 490 the student or student's parent accepting any payment, refund,  
 491 or rebate, in any manner, from a provider of any services  
 492 received pursuant to subsection (4);

493 b. Any period of 3 consecutive years after high school

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494 completion or graduation during which the student has not been  
 495 enrolled in an eligible postsecondary educational institution or  
 496 a program offered by the institution; or

497 c. Two consecutive fiscal years in which an account has  
 498 been inactive.

499 (c) Upon reasonable notice to the organization and the  
 500 school district, the student's parent may remove the student  
 501 from the participating private school and place the student in a  
 502 public school in accordance with this section.

503 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for  
 504 a Family Empowerment Scholarship while he or she is:

505 (a) Enrolled full time in a public school, including, but  
 506 not limited to, the Florida School for the Deaf and the Blind,  
 507 the College-Preparatory Boarding Academy, the Florida School for  
 508 Competitive Academics, the Florida Virtual School, the Florida  
 509 Scholars Academy, a developmental research school authorized  
 510 under s. 1002.32, or a charter school authorized under this  
 511 chapter. For purposes of this paragraph, a 3- or 4-year-old  
 512 child who receives services funded through the Florida Education  
 513 Finance Program is considered to be a student enrolled in a  
 514 public school;

515 (c) Receiving any other educational scholarship pursuant to  
 516 this chapter. However, an eligible public school student  
 517 receiving a scholarship under s. 1002.411 may receive a  
 518 scholarship for transportation pursuant to subparagraph  
 519 (4)(a)2.;

520 (d) Not having regular and direct contact with his or her  
 521 private school teachers pursuant to s. 1002.421(1)(i), unless he  
 522 or she is eligible pursuant to paragraph (3)(b) and enrolled in

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523 the participating private school's transition-to-work program  
 524 pursuant to subsection (16) or a home education program pursuant  
 525 to s. 1002.41;

526 (7) SCHOOL DISTRICT OBLIGATIONS.—

527 (d) Upon the request of the department, a school district  
 528 shall coordinate with the department to provide to a  
 529 participating private school the statewide assessments  
 530 administered under s. 1008.22 and any related materials for  
 531 administering the assessments. For a student who participates in  
 532 the Family Empowerment Scholarship Program whose parent requests  
 533 that the student take the statewide assessments under s.  
 534 1008.22, the district in which the student attends a  
 535 participating private school shall provide locations and times  
 536 to take all statewide assessments. A school district is  
 537 responsible for implementing test administrations at a  
 538 participating private school, including the:

- 539 1. Provision of training for private school staff on test  
 540 security and assessment administration procedures;
- 541 2. Distribution of testing materials to a private school;
- 542 3. Retrieval of testing materials from a private school;
- 543 4. Provision of the required format for a private school to  
 544 submit information to the district for test administration and  
 545 enrollment purposes; and
- 546 5. Provision of any required assistance, monitoring, or  
 547 investigation at a private school.

548 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

549 (a) The department shall:

- 550 1. Publish and update, as necessary, information on the  
 551 department website about the Family Empowerment Scholarship

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552 Program, including, but not limited to, student eligibility  
 553 criteria, parental responsibilities, and relevant data.

554 2. Report, as part of the determination of full-time  
 555 equivalent membership pursuant to s. 1011.62(1)(a), all  
 556 scholarship students ~~who are receiving a scholarship under the~~  
 557 ~~program and are~~ funded through the Florida Education Finance  
 558 Program, and cross-check the list of ~~participating~~ scholarship  
 559 students submitted by the eligible nonprofit scholarship-funding  
 560 organization with the full-time equivalent student membership  
 561 survey data ~~public school enrollment lists~~ to avoid duplication.

562 3. Maintain and annually publish a list of nationally norm-  
 563 referenced tests identified for purposes of satisfying the  
 564 testing requirement in subparagraph (9)(c)1. The tests must meet  
 565 industry standards of quality in accordance with state board  
 566 rule.

567 4. Notify eligible nonprofit scholarship-funding  
 568 organizations of the deadlines for submitting the verified list  
 569 of eligible scholarship students ~~determined to be eligible for a~~  
 570 ~~scholarship. An eligible nonprofit scholarship-funding~~  
 571 ~~organization may not submit a student for funding after February~~  
 572 ~~1-~~

573 5. Deny or terminate program participation upon a parent's  
 574 failure to comply with subsection (10).

575 6. Notify the parent and the organization when a  
 576 scholarship account is closed and program funds revert to the  
 577 state.

578 7. Notify an eligible nonprofit scholarship-funding  
 579 organization of any of the organization's or other  
 580 organization's identified students who are receiving

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581 scholarships under this chapter.

582 8. Maintain on its website a list of approved providers as  
583 required by s. 1002.66, eligible postsecondary educational  
584 institutions, eligible private schools, and eligible  
585 organizations and may identify or provide links to lists of  
586 other approved providers.

587 9. Require each organization to verify eligible  
588 expenditures before the distribution of funds for any  
589 expenditures made pursuant to subparagraphs (4) (b)1. and 2.  
590 Review of expenditures made for services specified in  
591 subparagraphs (4) (b)3.-15. may be completed after the purchase  
592 is made.

593 10. Investigate any written complaint of a violation of  
594 this section by a parent, a student, a participating private  
595 school, a public school, a school district, an organization, a  
596 provider, or another appropriate party in accordance with the  
597 process established under s. 1002.421.

598 11. Require quarterly reports by an organization, which  
599 must include, at a minimum, the number of students participating  
600 in the program; the demographics of program participants; the  
601 disability category of program participants; the matrix level of  
602 services, if known; the program award amount per student; the  
603 total expenditures for the purposes specified in paragraph  
604 (4) (b); the types of providers of services to students; the  
605 number of scholarship applications received, the number of  
606 applications processed within 30 days after receipt, and the  
607 number of incomplete applications received; data related to  
608 reimbursement submissions, including the average number of days  
609 for a reimbursement to be reviewed and the average number of

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610 days for a reimbursement to be approved; any parent input and  
611 feedback collected regarding the program; and any other  
612 information deemed necessary by the department.

613 12. Notify eligible nonprofit scholarship-funding  
614 organizations that scholarships may not be awarded in a school  
615 district in which the award will exceed 99 percent of the school  
616 district's share of state funding through the Florida Education  
617 Finance Program as calculated by the department.

618 13. Adjust payments to eligible nonprofit scholarship-  
619 funding organizations and, when the Florida Education Finance  
620 Program is recalculated, adjust the amount of state funds  
621 allocated to school districts through the Florida Education  
622 Finance Program based upon the results of the cross-check  
623 completed pursuant to subparagraph 2.

624 (d) The department may provide guidance to a participating  
625 private school that submits a transition-to-work program plan  
626 pursuant to subsection (16).

627 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
628 eligible to participate in the Family Empowerment Scholarship  
629 Program, a private school may be sectarian or nonsectarian and  
630 must:

631 (b) Provide to the organization all documentation required  
632 for a student's participation, including confirmation of the  
633 student's admission to the private school, the private school's  
634 and student's fee schedules, and any other information required  
635 by the organization to process scholarship payment under  
636 subparagraph (12) (a)4. Such information must be provided by the  
637 deadlines established by the organization and in accordance with  
638 the requirements of this section at least 30 days before any

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639 ~~quarterly scholarship payment is made for the student pursuant~~  
 640 ~~to paragraph (12) (a).~~ A student is not eligible to receive a  
 641 quarterly scholarship payment if the private school fails to  
 642 meet the ~~this~~ deadline.

643  
 644 If a private school fails to meet the requirements of this  
 645 subsection or s. 1002.421, the commissioner may determine that  
 646 the private school is ineligible to participate in the  
 647 scholarship program.

648 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 649 PARTICIPATION.—

650 (a) A parent who applies for a scholarship ~~applies for~~  
 651 ~~program participation~~ under paragraph (3) (a) whose student will  
 652 be enrolled full time in an eligible ~~a~~ private school must:

653 1. Select an eligible ~~the~~ private school and apply for the  
 654 admission of his or her student.

655 2. Request the scholarship by the ~~a~~ date established by the  
 656 organization, in a manner that creates a written or electronic  
 657 record of the request and the date of receipt of the request.

658 3.a. Beginning with new applications for the 2025-2026  
 659 school year and thereafter, notify the organization by December  
 660 15 that the scholarship is being accepted or declined.

661 b. Beginning with renewal applications for the 2025-2026  
 662 school year and thereafter, notify the organization by May 31  
 663 that the scholarship is being renewed or declined.

664 ~~4.3-~~ Inform the applicable school district when the parent  
 665 withdraws his or her student from a public school to attend an  
 666 eligible private school.

667 ~~5.4-~~ Require his or her student participating in the

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668 program to remain in attendance at the eligible private school  
 669 throughout the school year unless excused by the school for  
 670 illness or other good cause.

671 ~~6.5-~~ Meet with the eligible private school's principal or  
 672 the principal's designee to review the school's academic  
 673 programs and policies, specialized services, code of student  
 674 conduct, and attendance policies before enrollment.

675 ~~7.6-~~ Require his or her ~~that the~~ student participating in  
 676 the ~~scholarship~~ program to take ~~takes~~ the norm-referenced  
 677 assessment offered by the eligible private school. The parent  
 678 may also choose to have the student participate in the statewide  
 679 assessments pursuant to paragraph (7) (d). If the parent requests  
 680 that the student participating in the program take all statewide  
 681 assessments required pursuant to s. 1008.22, the parent is  
 682 responsible for transporting the student to the assessment site  
 683 designated by the school district.

684 ~~8.7-~~ Approve each payment before the scholarship funds may  
 685 be deposited by funds transfer pursuant to subparagraph  
 686 (12) (a)4. The parent may not designate any entity or individual  
 687 associated with the participating private school as the parent's  
 688 attorney in fact to approve a funds transfer. A participant who  
 689 fails to comply with this paragraph forfeits the scholarship.

690 ~~9.8-~~ Agree to have the organization commit scholarship  
 691 funds on behalf of his or her student for tuition and fees for  
 692 which the parent is responsible for payment at the eligible  
 693 private school before using scholarship ~~empowerment~~ account  
 694 funds for additional authorized uses under paragraph (4) (a). A  
 695 parent is responsible for all eligible expenses in excess of the  
 696 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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755 f. Comply with the scholarship application and renewal  
 756 processes and requirements established by the organization  
 757 ~~Renewing participation in the program each year.~~ A student whose  
 758 participation in the program is not renewed may continue to  
 759 spend scholarship funds that are in his or her account from  
 760 prior years unless the account must be closed pursuant to  
 761 subparagraph (5) (b)3. Notwithstanding any changes to the  
 762 student's IEP, a student who was previously eligible for  
 763 participation in the program shall remain eligible to apply for  
 764 renewal. However, for a high-risk child to continue to  
 765 participate in the program in the school year after he or she  
 766 reaches 6 years of age, the child's application for renewal of  
 767 program participation must contain documentation that the child  
 768 has a disability defined in paragraph (2) (e) other than high-  
 769 risk status.

770 g. Procuring the services necessary to educate the student.  
 771 If such services include enrollment in an eligible private  
 772 school, the parent must meet with the private school's principal  
 773 or the principal's designee to review the school's academic  
 774 programs and policies, specialized services, code of student  
 775 conduct, and attendance policies before his or her student is  
 776 enrolled. The parent must also approve each payment to the  
 777 eligible private school before the scholarship funds may be  
 778 deposited by funds transfer pursuant to subparagraph (12) (a)4.  
 779 The parent may not designate any entity or individual associated  
 780 with the eligible private school as the parent's attorney in  
 781 fact to approve a funds transfer. When the student receives a  
 782 scholarship, the district school board is not obligated to  
 783 provide the student with a free appropriate public education.

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784 For purposes of s. 1003.57 and the Individuals with Disabilities  
 785 in Education Act, a participating student has only those rights  
 786 that apply to all other unilaterally parentally placed students,  
 787 except that, when requested by the parent, school district  
 788 personnel must develop an IEP or matrix level of services.

789 (c) A parent may not apply for multiple scholarships under  
 790 this section and s. 1002.395 for an individual student at the  
 791 same time.

792 (d) ~~(e)~~ A participant who fails to comply with this  
 793 subsection forfeits the scholarship.

794 (11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING  
 795 ORGANIZATIONS.—

796 (a) An eligible nonprofit scholarship-funding organization  
 797 awarding scholarships to eligible students pursuant to paragraph  
 798 (3) (a) shall:

799 1. Establish a process for parents who are in compliance  
 800 with paragraph (10) (a) to renew their students' scholarships.  
 801 Renewal applications for the 2025-2026 school year and  
 802 thereafter must provide for a renewal timeline beginning  
 803 February 1 of the prior school year and ending April 30 of the  
 804 prior school year. A student's renewal is contingent upon an  
 805 eligible private school providing confirmation of student  
 806 admission pursuant to subsection (9). The process must require  
 807 that parents confirm that the scholarship is being renewed or  
 808 declined by May 31.

809 2. Establish a process that allows a parent to apply for a  
 810 new scholarship. The process may begin no earlier than February  
 811 1 of the prior school year and must authorize submission of  
 812 applications until November 15. The process must be in a manner

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813 that creates a written or electronic record of the application  
 814 request and the date of receipt of the application request.  
 815 Applications received after the deadline may be considered for  
 816 scholarship award in the subsequent fiscal year. The process  
 817 must require that parents confirm that the scholarship is being  
 818 accepted or declined by December 15 ~~Must receive applications,~~  
 819 ~~determine student eligibility, notify parents in accordance with~~  
 820 ~~the requirements of this section, and provide the department~~  
 821 ~~with information on the student to enable the department to~~  
 822 ~~determine student funding in accordance with paragraph (12) (a).~~

823 3.2. Shall Verify the household income level of students  
 824 seeking priority eligibility and submit the verified list of  
 825 students and related documentation to the department when  
 826 necessary.

827 4.3. Shall Award scholarships in priority order pursuant to  
 828 paragraph (3) (a).

829 5.4. Shall Establish and maintain separate scholarship  
 830 ~~empowerment~~ accounts for each eligible student. For each  
 831 account, the organization must maintain a record of accrued  
 832 interest that is retained in the student's account and available  
 833 only for authorized program expenditures.

834 6.5. May Permit eligible students to use program funds for  
 835 the purposes specified in paragraph (4) (a) by paying for the  
 836 authorized use directly, then submitting a reimbursement request  
 837 to the eligible nonprofit scholarship-funding organization.  
 838 However, an eligible nonprofit scholarship-funding organization  
 839 may require the use of an online platform for direct purchases  
 840 of products so long as such use does not limit a parent's choice  
 841 of curriculum or academic programs. If a parent purchases a

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842 product identical to one offered by an organization's online  
 843 platform for a lower price, the organization shall reimburse the  
 844 parent the cost of the product.

845 ~~6. May, from eligible contributions received pursuant to s.~~  
 846 ~~1002.395(6)(1)1., use an amount not to exceed 2.5 percent of the~~  
 847 ~~total amount of all scholarships funded under this section for~~  
 848 ~~administrative expenses associated with performing functions~~  
 849 ~~under this section. An eligible nonprofit scholarship-funding~~  
 850 ~~organization that has, for the prior fiscal year, complied with~~  
 851 ~~the expenditure requirements of s. 1002.395(6)(1)2., may use an~~  
 852 ~~amount not to exceed 3 percent. Such administrative expense~~  
 853 ~~amount is considered within the 3 percent limit on the total~~  
 854 ~~amount an organization may use to administer scholarships under~~  
 855 ~~this chapter.~~

856 7. Must, In a timely manner, submit the verified list of  
 857 students and any information requested by the department  
 858 relating to the scholarship under this section.

859 8. Must Notify the department about any violation of this  
 860 section.

861 9. Must Document each student's eligibility for a fiscal  
 862 year before granting a scholarship for that fiscal year. A  
 863 student is ineligible for a scholarship if the student's account  
 864 has been inactive for 2 consecutive fiscal years.

865 10. Must Notify each parent that participation in the  
 866 scholarship program does not guarantee enrollment.

867 11. Shall Commit scholarship funds on behalf of the student  
 868 for tuition and fees for which the parent is responsible for  
 869 payment at the participating private school before using  
 870 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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929 7. Notify the parent about the availability of, and the  
930 requirements associated with requesting, an initial IEP or IEP  
931 reevaluation every 3 years for each student participating in the  
932 program.

933 8. Notify the parent of available state and local services,  
934 including, but not limited to, services under chapter 413.

935 9. In a timely manner, submit to the department the  
936 verified list of eligible scholarship students and any  
937 information requested by the department relating to the  
938 scholarship under this section.

939 ~~10.8-~~ Notify the department of any violation of this  
940 section.

941 ~~11.9-~~ Document each scholarship student's eligibility for a  
942 fiscal year before granting a scholarship for that fiscal year  
943 pursuant to paragraph (3)(b). A student is ineligible for a  
944 scholarship if the student's account has been inactive for 2  
945 consecutive fiscal years.

946 (c) An eligible nonprofit scholarship-funding organization  
947 may, from eligible contributions received pursuant to s.  
948 1002.395(6)(1)1., use an amount not to exceed 2.5 percent of the  
949 total amount of all scholarships funded under this section for  
950 administrative expenses associated with performing functions  
951 under this section. An organization that has, for the prior  
952 fiscal year, complied with the expenditure requirements of s.  
953 1002.395(6)(1)3. may use an amount not to exceed 3 percent. Such  
954 administrative expense amount is considered within the 3-percent  
955 limit on the total amount an organization may use to administer  
956 scholarships under this chapter.

957 (d) An eligible nonprofit scholarship-funding organization

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958 shall establish a process to collect input and feedback from  
959 parents, private schools, and providers before implementing  
960 substantial modifications or enhancements to the reimbursement  
961 process.

962 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

963 ~~(a)1. Scholarships for students determined eligible~~  
964 ~~pursuant to paragraph (3)(a) may be funded once all scholarships~~  
965 ~~have been funded in accordance with s. 1002.395(6)(1)2.~~ The  
966 calculated scholarship amount for a participating student  
967 determined eligible pursuant to paragraph (3)(a) shall be based  
968 upon the grade level and school district in which the student  
969 was assigned as 100 percent of the funds per unweighted full-  
970 time equivalent in the Florida Education Finance Program for a  
971 student in the basic program established pursuant to s.  
972 1011.62(1)(c)1., plus a per-full-time equivalent share of funds  
973 for the categorical programs established in s. 1011.62(5),  
974 (7)(a), and (16), as funded in the General Appropriations Act.

975 2. A scholarship of \$750 or an amount equal to the school  
976 district expenditure per student riding a school bus, as  
977 determined by the department, whichever is greater, may be  
978 awarded to an eligible student who is enrolled in a Florida  
979 public school that is different from the school to which the  
980 student was assigned or in a lab school as defined in s. 1002.32  
981 if the school district does not provide the student with  
982 transportation to the school.

983 3.a. For renewing scholarship students, the organization  
984 ~~must provide the department with the documentation necessary to~~  
985 verify the student's continued eligibility to participate in the  
986 scholarship program at least 30 days before each payment

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987 ~~participation.~~ Upon receiving the verified list of eligible  
 988 scholarship students ~~documentation,~~ the department shall release  
 989 ~~transfer, beginning August 1,~~ from state funds only, the amount  
 990 calculated pursuant to subparagraph 1. ~~2.~~ to the organization  
 991 for deposit into the student's account in quarterly payments no  
 992 later than August 1, November 1, February 1, and April 1 of  
 993 ~~quarterly disbursement to parents of participating students~~ each  
 994 school year in which the scholarship is in force.

995 b. For new scholarship students, the organization must  
 996 verify the student's eligibility to participate in the  
 997 scholarship program at least 30 days before each payment. Upon  
 998 receiving the verified list of eligible scholarship students,  
 999 the department shall release, from state funds only, the amount  
 1000 calculated pursuant to subparagraph 1. to the organization for  
 1001 deposit into the student's account in quarterly payments no  
 1002 later than September 1, November 1, February 1, and April 1 of  
 1003 each school year in which the scholarship is in force. For a  
 1004 student exiting a Department of Juvenile Justice commitment  
 1005 program who chooses to participate in the scholarship program,  
 1006 the amount calculated pursuant to subparagraph 1. must be  
 1007 transferred from the school district in which the student last  
 1008 attended a public school before commitment to the Department of  
 1009 Juvenile Justice.

1010 c. The department is authorized to release the state funds  
 1011 contingent upon verification that the organization will comply  
 1012 with s. 1002.395(6)(1) based upon the organization's submitted  
 1013 verified list of eligible scholarship students pursuant to s.  
 1014 1002.395 ~~For a student exiting a Department of Juvenile Justice~~  
 1015 ~~commitment program who chooses to participate in the scholarship~~

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1016 ~~program, the amount of the Family Empowerment Scholarship~~  
 1017 ~~calculated pursuant to subparagraph 2. must be transferred from~~  
 1018 ~~the school district in which the student last attended a public~~  
 1019 ~~school before commitment to the Department of Juvenile Justice.~~  
 1020 ~~When a student enters the scholarship program, the organization~~  
 1021 ~~must receive all documentation required for the student's~~  
 1022 ~~participation, including the private school's and the student's~~  
 1023 ~~fee schedules, at least 30 days before the first quarterly~~  
 1024 ~~scholarship payment is made for the student.~~

1025 4. The initial payment shall be made after the  
 1026 organization's verification of admission acceptance, and  
 1027 subsequent payments shall be made upon verification of continued  
 1028 enrollment and attendance at the participating private school.  
 1029 Payments for tuition and fees for full-time enrollment shall be  
 1030 made within 7 business days after approval by the parent  
 1031 pursuant to paragraph (10) (a) and the private school pursuant to  
 1032 paragraph (9) (b). Payment must be by funds transfer or any other  
 1033 means of payment that the department deems to be commercially  
 1034 viable or cost-effective. An organization shall ensure that the  
 1035 parent has approved a funds transfer before any scholarship  
 1036 funds are deposited.

1037 5. An organization may not transfer any funds to an account  
 1038 of a student determined eligible pursuant to paragraph (3) (a)  
 1039 which has a balance in excess of \$24,000.

1040 (b)1. For the 2023-2024 school year, the maximum number of  
 1041 students participating in the scholarship program under  
 1042 paragraph (3) (b) shall be the number of students the  
 1043 organization and the department determined eligible pursuant to  
 1044 this section. Beginning in the 2024-2025 school year, the

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1045 maximum number of scholarships funded students participating in  
 1046 ~~the scholarship program~~ under paragraph (3) (b) shall annually  
 1047 increase by 5.0 ~~3.0~~ percent of the state's total exceptional  
 1048 student education full-time equivalent student membership, not  
 1049 including gifted students. The maximum number of scholarships  
 1050 funded shall increase by 1.0 percent of the state's total  
 1051 exceptional student education full-time equivalent student  
 1052 membership, not including gifted students, in the school year  
 1053 following any school year in which the number of scholarships  
 1054 funded exceeds 95 percent of the number of available  
 1055 scholarships for that school year. An eligible student who meets  
 1056 any of the following requirements shall be excluded from the  
 1057 maximum number of students if the student:

1058 a. Received specialized instructional services under the  
 1059 Voluntary Prekindergarten Education Program pursuant to s.  
 1060 1002.66 during the previous school year and the student has a  
 1061 current IEP developed by the district school board in accordance  
 1062 with rules of the State Board of Education;

1063 b. Is a dependent child of a law enforcement officer or a  
 1064 member of the United States Armed Forces, a foster child, or an  
 1065 adopted child; or

1066 c. Spent the prior school year in attendance at a Florida  
 1067 public school or the Florida School for the Deaf and the Blind.  
 1068 For purposes of this subparagraph, the term "prior school year  
 1069 in attendance" means that the student was enrolled and reported  
 1070 by:

1071 (I) A school district for funding during either the  
 1072 preceding October or February full-time equivalent student  
 1073 membership surveys in kindergarten through grade 12, which

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1074 includes time spent in a Department of Juvenile Justice  
 1075 commitment program if funded under the Florida Education Finance  
 1076 Program;

1077 (II) The Florida School for the Deaf and the Blind during  
 1078 the preceding October or February full-time equivalent student  
 1079 membership surveys in kindergarten through grade 12;

1080 (III) A school district for funding during the preceding  
 1081 October or February full-time equivalent student membership  
 1082 surveys, was at least 4 years of age when enrolled and reported,  
 1083 and was eligible for services under s. 1003.21(1) (e); or

1084 (IV) Received a John M. McKay Scholarship for Students with  
 1085 Disabilities in the 2021-2022 school year.

1086 2. For a student who has a Level I to Level III matrix of  
 1087 services or a diagnosis by a physician or psychologist, the  
 1088 calculated scholarship amount for a student participating in the  
 1089 program must be based upon the grade level and school district  
 1090 in which the student would have been enrolled as the total funds  
 1091 per unweighted full-time equivalent in the Florida Education  
 1092 Finance Program for a student in the basic exceptional student  
 1093 education program pursuant to s. 1011.62(1) (c) and (d), plus a  
 1094 per full-time equivalent share of funds for the categorical  
 1095 programs established in s. 1011.62(5), (7) (a), (8), and (16), as  
 1096 funded in the General Appropriations Act. For the categorical  
 1097 program established in s. 1011.62(8), the funds must be  
 1098 allocated based on the school district's average exceptional  
 1099 student education guaranteed allocation funds per exceptional  
 1100 student education full-time equivalent student.

1101 3. For a student with a Level IV or Level V matrix of  
 1102 services, the calculated scholarship amount must be based upon

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1103 the school district to which the student would have been  
 1104 assigned as the total funds per full-time equivalent for the  
 1105 Level IV or Level V exceptional student education program  
 1106 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time  
 1107 equivalent share of funds for the categorical programs  
 1108 established in s. 1011.62(5), (7)(a), and (16), as funded in the  
 1109 General Appropriations Act.

1110 4. For a student who received a Gardiner Scholarship  
 1111 pursuant to former s. 1002.385 in the 2020-2021 school year, the  
 1112 amount shall be the greater of the amount calculated pursuant to  
 1113 subparagraph 2. or the amount the student received for the 2020-  
 1114 2021 school year.

1115 5. For a student who received a John M. McKay Scholarship  
 1116 pursuant to former s. 1002.39 in the 2020-2021 school year, the  
 1117 amount shall be the greater of the amount calculated pursuant to  
 1118 subparagraph 2. or the amount the student received for the 2020-  
 1119 2021 school year.

1120 6. The organization must ~~provide the department with the~~  
 1121 ~~documentation necessary to~~ verify the student's eligibility to  
 1122 participate in the scholarship program at least 30 days before  
 1123 each payment participation.

1124 7.a. For renewing scholarship students, upon receiving the  
 1125 verified list of eligible scholarship students, the department  
 1126 shall release, from state funds only, the amount calculated  
 1127 pursuant to subparagraph 1. to the organization for deposit into  
 1128 the student's account in quarterly payments no later than August  
 1129 1, November 1, February 1, and April 1 of each school year in  
 1130 which the scholarship is in force.

1131 b. For new scholarship students, upon receiving the

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1132 verified list of eligible scholarship students documentation,  
 1133 the department shall release, from state funds only, the amount  
 1134 calculated pursuant to subparagraph 1. student's scholarship  
 1135 ~~funds~~ to the organization for deposit, ~~to be deposited~~ into the  
 1136 student's account in quarterly payments ~~four equal amounts~~ no  
 1137 later than September 1, November 1, February 1, and April 1 of  
 1138 each school year in which the scholarship is in force.

1139 8. If a scholarship student is attending an eligible  
 1140 private school full time, the initial payment shall be made  
 1141 after the organization's verification of admission acceptance,  
 1142 and subsequent payments shall be made upon verification of  
 1143 continued enrollment and attendance at the eligible private  
 1144 school. Payments for tuition and fees for full-time enrollment  
 1145 shall be made within 7 business days after approval by the  
 1146 parent pursuant to paragraph (10)(b) and the private school  
 1147 pursuant to paragraph (9)(b).

1148 ~~9.8.~~ Accrued interest in the student's account is in  
 1149 addition to, and not part of, the awarded funds. Program funds  
 1150 include both the awarded funds and accrued interest.

1151 ~~10.9.~~ The organization may develop a system for payment of  
 1152 benefits by funds transfer, including, but not limited to, debit  
 1153 cards, electronic payment cards, or any other means of payment  
 1154 which the department deems to be commercially viable or cost-  
 1155 effective. A student's scholarship award may not be reduced for  
 1156 debit card or electronic payment fees. Commodities or services  
 1157 related to the development of such a system must be procured by  
 1158 competitive solicitation unless they are purchased from a state  
 1159 term contract pursuant to s. 287.056.

1160 ~~11.10.~~ An organization may not transfer any funds to an

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1161 account of a student determined to be eligible pursuant to  
1162 paragraph (3) (b) which has a balance in excess of \$50,000.

1163 ~~12.11.~~ Moneys received pursuant to this section do not  
1164 constitute taxable income to the qualified student or the parent  
1165 of the qualified student.

1166 (c) An organization may not submit a new scholarship  
1167 student for funding after February 1.

1168 (d) Within 30 days after the release of state funds  
1169 pursuant to paragraphs (a) and (b), the eligible scholarship-  
1170 funding organization shall certify to the department the amount  
1171 of funds distributed for student scholarships. If the amount of  
1172 funds released by the department is more than the amount  
1173 distributed by the organization, the department is authorized to  
1174 adjust the amount of the overpayment in the subsequent quarterly  
1175 payment release.

1176 (16) TRANSITION-TO-WORK PROGRAM.—A student with a  
1177 disability who is determined eligible pursuant to paragraph  
1178 (3) (b) who is at least 17 years, but not older than 22 years of  
1179 age and who has not received a high school diploma or  
1180 certificate of completion is eligible for enrollment in his or  
1181 her participating private school's transition-to-work program. A  
1182 transition-to-work program shall consist of academic  
1183 instruction, work skills training, and a volunteer or paid work  
1184 experience.

1185 (a) To offer a transition-to-work program, a participating  
1186 private school must:

1187 1. Develop a transition-to-work program plan, which must  
1188 include a written description of the academic instruction and  
1189 work skills training students will receive and the goals for

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1190 students in the program.

1191 2. Submit the transition-to-work program plan to the Office  
1192 of Independent Education and Parental Choice and consider any  
1193 guidance provided by the department pursuant to paragraph (8) (d)  
1194 relating to the plan.

1195 3. Develop a personalized transition-to-work program plan  
1196 for each student enrolled in the program. The student's parent,  
1197 the student, and the school principal must sign the personalized  
1198 plan. The personalized plan must be submitted to the Office of  
1199 Independent Education and Parental Choice upon request by the  
1200 office.

1201 4. Provide a release of liability form that must be signed  
1202 by the student's parent, the student, and a representative of  
1203 the business offering the volunteer or paid work experience.

1204 5. Assign a case manager or job coach to visit the  
1205 student's job site on a weekly basis to observe the student and,  
1206 if necessary, provide support and guidance to the student.

1207 6. Provide to the parent and student a quarterly report  
1208 that documents and explains the student's progress and  
1209 performance in the program.

1210 7. Maintain accurate attendance and performance records for  
1211 the student.

1212 (b) A student enrolled in a transition-to-work program  
1213 must, at a minimum:

1214 1. Receive 15 instructional hours at the participating  
1215 private school's physical facility, which must include academic  
1216 instruction and work skills training.

1217 2. Participate in 10 hours of work at the student's  
1218 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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1277 percent of the federal poverty level, but does not exceed 400  
1278 percent of the federal poverty level.

1279 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for  
1280 a scholarship while he or she is:

1281 (a) Enrolled full time in a public school, including, but  
1282 not limited to, the Florida School for the Deaf and the Blind,  
1283 the College-Preparatory Boarding Academy, the Florida School for  
1284 Competitive Academics, the Florida Virtual School, the Florida  
1285 Scholars Academy, a developmental research school authorized  
1286 under s. 1002.32, or a charter school authorized under this  
1287 chapter. For purposes of this paragraph, a 3- or 4-year-old  
1288 child who receives services funded through the Florida Education  
1289 Finance Program is considered a student enrolled full-time in a  
1290 public school;

1291 (c) Receiving any other educational scholarship pursuant to  
1292 this chapter. However, an eligible public school student  
1293 receiving a scholarship under s. 1002.411 may receive a  
1294 scholarship for transportation pursuant to subparagraph

1295 (6) (d) 4.;

1296 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1297 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
1298 organization:

1299 (c) Must not have an owner or operator, as defined in  
1300 subparagraph (2) (k) 1., who owns or operates an eligible private  
1301 school that is participating in the scholarship program.

1302 (d) 1. For the 2023-2024 school year, may fund no more than  
1303 20,000 scholarships for students who are enrolled pursuant to  
1304 paragraph (7) (b). The number of scholarships funded for such  
1305 students may increase by 40,000 in each subsequent school year.

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1306 This subparagraph is repealed July 1, 2027.

1307 2. Shall establish a process for parents who are in  
1308 compliance with paragraph (7) (a) to renew their students'  
1309 scholarships. Renewal applications for the 2025-2026 school year  
1310 and thereafter must provide for a renewal timeline beginning  
1311 February 1 of the prior school year and ending April 30 of the  
1312 prior school year. A student's renewal is contingent upon an  
1313 eligible private school providing confirmation of admission  
1314 pursuant to subsection (8). The process must require that  
1315 parents confirm that the scholarship is being renewed or  
1316 declined by May 31.

1317 3. Shall establish a process that allows a parent to apply  
1318 for a new scholarship. The process must be in a manner that  
1319 creates a written or electronic record of the application  
1320 request and the date of receipt of the application request. The  
1321 process must require that parents confirm that the scholarship  
1322 is being accepted or declined by a date set by the organization.

1323 4.2. Must establish and maintain separate scholarship  
1324 empowerment accounts from eligible contributions for each  
1325 eligible student. For each account, the organization must  
1326 maintain a record of accrued interest retained in the student's  
1327 account. The organization must verify that scholarship funds are  
1328 used for:

1329 a. Tuition and fees for full-time or part-time enrollment  
1330 in an eligible private school.

1331 b. Transportation to a Florida public school in which a  
1332 student is enrolled and that is different from the school to  
1333 which the student was assigned or to a lab school as defined in  
1334 s. 1002.32.

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1335 c. Instructional materials, including digital materials and  
 1336 Internet resources. Equipment used as instructional materials  
 1337 may only be purchased for subjects in language arts and reading,  
 1338 mathematics, social studies, and science.

1339 d. Curriculum as defined in s. 1002.394(2).

1340 e. Tuition and fees associated with full-time or part-time  
 1341 enrollment in a home education instructional program; an  
 1342 eligible postsecondary educational institution or a program  
 1343 offered by the postsecondary educational institution, unless the  
 1344 program is subject to s. 1009.25 or reimbursed pursuant to s.  
 1345 1009.30; an approved preapprenticeship program as defined in s.  
 1346 446.021(5) which is not subject to s. 1009.25 and complies with  
 1347 all applicable requirements of the Department of Education  
 1348 pursuant to chapter 1005; a private tutoring program authorized  
 1349 under s. 1002.43; a virtual program offered by a department-  
 1350 approved private online provider that meets the provider  
 1351 qualifications specified in s. 1002.45(2)(a); the Florida  
 1352 Virtual School as a private paying student; or an approved  
 1353 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1354 f. Fees for nationally standardized, norm-referenced  
 1355 achievement tests, Advanced Placement Examinations, industry  
 1356 certification examinations, assessments related to postsecondary  
 1357 education, or other assessments.

1358 g. Contracted services provided by a public school or  
 1359 school district, including classes. A student who receives  
 1360 contracted services under this sub-subparagraph is not  
 1361 considered enrolled in a public school for eligibility purposes  
 1362 as specified in subsection (11) but rather attending a public  
 1363 school on a part-time basis as authorized under s. 1002.44.

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1364 h. Tuition and fees for part-time tutoring services or fees  
 1365 for services provided by a choice navigator. Such services must  
 1366 be provided by a person who holds a valid Florida educator's  
 1367 certificate pursuant to s. 1012.56, a person who holds an  
 1368 adjunct teaching certificate pursuant to s. 1012.57, a person  
 1369 who has a bachelor's degree or a graduate degree in the subject  
 1370 area in which instruction is given, a person who has  
 1371 demonstrated a mastery of subject area knowledge pursuant to s.  
 1372 1012.56(5), or a person certified by a nationally or  
 1373 internationally recognized research-based training program as  
 1374 approved by the Department of Education. As used in this  
 1375 paragraph, the term "part-time tutoring services" does not  
 1376 qualify as regular school attendance as defined in s.  
 1377 1003.01(16)(e).

1378 (e) For students determined eligible pursuant to paragraph  
 1379 (7)(b), must:

1380 1. Establish a process for parents who are in compliance  
 1381 with subparagraph (7)(b)1. to apply for a new scholarship. New  
 1382 scholarship applications for the 2025-2026 school year and  
 1383 thereafter must provide for an application timeline beginning  
 1384 February 1 of the prior school year and ending April 30 of the  
 1385 prior school year. The process must require that parents confirm  
 1386 that the scholarship is being accepted or declined by May 31.

1387 2. Establish a process for parents who are in compliance  
 1388 with paragraph (7)(b) to renew their students' scholarships.  
 1389 Renewal scholarship applications for the 2025-2026 school year  
 1390 and thereafter must provide for a renewal timeline beginning  
 1391 February 1 of the prior school year and ending April 30 of the  
 1392 prior school year. The process must require that parents confirm

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1393 that the scholarship is being renewed or declined by May 31.

1394 ~~3.1-~~ Maintain a signed agreement from the parent which  
1395 constitutes compliance with the attendance requirements under  
1396 ss. 1003.01(16) and 1003.21(1).

1397 ~~4.2-~~ Receive eligible student test scores and, beginning  
1398 with the 2027-2028 school year, by August 15, annually report  
1399 test scores for students pursuant to paragraph (7) (b) to a state  
1400 university pursuant to paragraph (9) (f).

1401 ~~5.3-~~ Provide parents with information, guidance, and  
1402 support to create and annually update a student learning plan  
1403 for their student. The organization must maintain the plan and  
1404 allow parents to electronically submit, access, and revise the  
1405 plan continuously.

1406 ~~6.4-~~ Upon submission by the parent of an annual student  
1407 learning plan, fund a scholarship for a student determined  
1408 eligible.

1409 (f) Must give first priority to eligible renewal students  
1410 who received a scholarship from an eligible nonprofit  
1411 scholarship-funding organization ~~or from the State of Florida~~  
1412 during the previous school year. The eligible nonprofit  
1413 scholarship-funding organization must fully apply and exhaust  
1414 all funds available under this section ~~and s. 1002.40(11)(i)~~ for  
1415 renewal scholarship awards before awarding any initial  
1416 scholarships.

1417 (g) Must provide a new renewal or initial scholarship to an  
1418 eligible student on a first-come, first-served basis unless the  
1419 student is seeking priority eligibility ~~qualifies for priority~~  
1420 pursuant to subsection (3) paragraph (f).

1421 (h) ~~Each eligible nonprofit scholarship-funding~~

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1422 ~~organization~~ Must refer any student eligible for a scholarship  
1423 pursuant to this section who did not receive a renewal or  
1424 initial scholarship based solely on the lack of available funds  
1425 under this section ~~and s. 1002.40(11)(i)~~ to another eligible  
1426 nonprofit scholarship-funding organization that may have funds  
1427 available.

1428 (i) May not restrict or reserve scholarships for use at a  
1429 particular eligible private school or provide scholarships to a  
1430 child of an owner or operator as defined in subparagraph  
1431 (2) (k) 1.

1432 (1) 1. May use eligible contributions received pursuant to  
1433 this section and ss. 212.099, 212.1831, and 212.1832, ~~and~~  
1434 ~~1002.40~~ during the state fiscal year in which such contributions  
1435 are collected for administrative expenses if the organization  
1436 has operated as an eligible nonprofit scholarship-funding  
1437 organization for at least the preceding 3 fiscal years and did  
1438 not have any findings of material weakness or material  
1439 noncompliance in its most recent audit under paragraph (o) or is  
1440 in good standing in each state in which it administers a  
1441 scholarship program and the audited financial statements for the  
1442 preceding 3 fiscal years are free of material misstatements and  
1443 going concern issues. Administrative expenses from eligible  
1444 contributions may not exceed 3 percent of the total amount of  
1445 all scholarships funded by an eligible scholarship-funding  
1446 organization under this chapter. Such administrative expenses  
1447 must be reasonable and necessary for the organization's  
1448 management and distribution of scholarships funded under this  
1449 chapter. Administrative expenses may include developing or  
1450 contracting with rideshare programs or facilitating carpool

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1451 strategies for recipients of a transportation scholarship under  
 1452 s. 1002.394. No funds authorized under this subparagraph shall  
 1453 be used for lobbying or political activity or expenses related  
 1454 to lobbying or political activity. Up to one-third of the funds  
 1455 authorized for administrative expenses under this subparagraph  
 1456 may be used for expenses related to the recruitment of  
 1457 contributions from taxpayers. An eligible nonprofit scholarship-  
 1458 funding organization may not charge an application fee.

1459 2. Must expend for annual or partial-year scholarships 100  
 1460 percent of any eligible contributions from the prior fiscal  
 1461 year.

1462 ~~3.2.~~ Must expend ~~award~~ for annual or partial-year  
 1463 scholarships an amount equal to or greater than 75 percent of  
 1464 all ~~estimated~~ net eligible contributions, as defined in  
 1465 subsection (2), ~~and all funds carried forward from the prior~~  
 1466 ~~state fiscal year~~ remaining after administrative expenses during  
 1467 the state fiscal year in which such eligible contributions are  
 1468 collected before funding any scholarships to students determined  
 1469 eligible pursuant to s. 1002.394(3)(a). No more than 25 percent  
 1470 of such net eligible contributions may be carried forward to the  
 1471 following state fiscal year. All amounts carried forward, for  
 1472 audit purposes, must be specifically identified for particular  
 1473 students, by student name and the name of the school to which  
 1474 the student is admitted, subject to the requirements of ss.  
 1475 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable  
 1476 rules and regulations issued pursuant thereto. Any amounts  
 1477 carried forward shall be expended for annual or partial-year  
 1478 scholarships in the following state fiscal year. ~~No later than~~  
 1479 ~~September 30 of each year,~~ net Eligible contributions remaining

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1480 on June 30 of each year that are in excess of the 25 percent  
 1481 that may be carried forward shall be used to provide  
 1482 scholarships to eligible students or transferred to other  
 1483 eligible nonprofit scholarship-funding organizations to provide  
 1484 scholarships for eligible students. All transferred funds must  
 1485 be deposited by each eligible nonprofit scholarship-funding  
 1486 organization receiving such funds into its scholarship account.  
 1487 All transferred amounts received by any eligible nonprofit  
 1488 scholarship-funding organization must be separately disclosed in  
 1489 the annual financial audit required under paragraph (o).

1490 ~~4.3.~~ Must, before granting a scholarship for an academic  
 1491 year, document each scholarship student's eligibility for that  
 1492 academic year. A scholarship-funding organization may not grant  
 1493 multiyear scholarships in one approval process.

1494 (p) Must prepare and submit quarterly reports to the  
 1495 Department of Education pursuant to paragraph (9)(i). In  
 1496 addition, an eligible nonprofit scholarship-funding organization  
 1497 must submit in a timely manner the verified list of eligible  
 1498 scholarship students and any information requested by the  
 1499 Department of Education relating to the scholarship program.

1500 (q)1.a. Must participate in the joint development of  
 1501 agreed-upon procedures during the 2009-2010 state fiscal year.  
 1502 The agreed-upon procedures must uniformly apply to all private  
 1503 schools and must determine, at a minimum, whether the private  
 1504 school has been verified as eligible by the Department of  
 1505 Education under s. 1002.421; has an adequate accounting system,  
 1506 system of financial controls, and process for deposit and  
 1507 classification of scholarship funds; and has properly expended  
 1508 scholarship funds for education-related expenses. During the

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1509 development of the procedures, the participating scholarship-  
 1510 funding organizations shall specify guidelines governing the  
 1511 materiality of exceptions that may be found during the  
 1512 accountant's performance of the procedures. The procedures and  
 1513 guidelines shall be provided to private schools and the  
 1514 Commissioner of Education by March 15, 2011.

1515 b. Must participate in a joint review of the agreed-upon  
 1516 procedures and guidelines developed under sub-subparagraph a.,  
 1517 by February of each biennium, if the scholarship-funding  
 1518 organization provided more than \$250,000 in scholarship funds  
 1519 under this chapter during the state fiscal year preceding the  
 1520 biennial review. If the procedures and guidelines are revised,  
 1521 the revisions must be provided to private schools and the  
 1522 Commissioner of Education by March 15 of the year in which the  
 1523 revisions were completed. The revised agreed-upon procedures and  
 1524 guidelines shall take effect the subsequent school year.

1525 c. Must monitor the compliance of a participating private  
 1526 school with s. 1002.421(1)(q) if the scholarship-funding  
 1527 organization provided the majority of the scholarship funding to  
 1528 the school. For each participating private school subject to s.  
 1529 1002.421(1)(q), the appropriate scholarship-funding organization  
 1530 shall annually notify the Commissioner of Education by October  
 1531 30 of:

1532 (I) A private school's failure to submit a report required  
 1533 under s. 1002.421(1)(q); or

1534 (II) Any material exceptions set forth in the report  
 1535 required under s. 1002.421(1)(q).

1536 2. Must seek input from the accrediting associations that  
 1537 are members of the Florida Association of Academic Nonpublic

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1538 Schools and the Department of Education when jointly developing  
 1539 the agreed-upon procedures and guidelines under sub-subparagraph  
 1540 1.a. and conducting a review of those procedures and guidelines  
 1541 under sub-subparagraph 1.b.

1542 (t) Must participate in the joint development of agreed-upon  
 1543 purchasing guidelines for authorized uses of scholarship  
 1544 funds under paragraph (d) and s. 1002.394(4)(a) this chapter. By  
 1545 December 31, 2023, and by each December 31 thereafter, the  
 1546 purchasing guidelines must be provided to the Commissioner of  
 1547 Education and published on the eligible nonprofit scholarship-  
 1548 funding organization's website. Published purchasing guidelines  
 1549 shall remain in effect until there is unanimous agreement to  
 1550 revise the guidelines, and the revisions must be provided to the  
 1551 commissioner and published on the organization's website within  
 1552 30 days after such revisions. The organization shall assist the  
 1553 Florida Center for Students with Unique Abilities under s.  
 1554 1004.6495 with the development of purchasing guidelines for  
 1555 authorized uses of scholarship funds under s. 1002.394(4)(b) and  
 1556 publish the guidelines on the organization's website.

1557 (w) Shall commit scholarship funds on behalf of the student  
 1558 for tuition and fees for which the parent is responsible for  
 1559 payment at the participating private school before using  
 1560 scholarship empowerment account funds for additional authorized  
 1561 uses under paragraph (d).

1562 (y) Must establish a process to collect input and feedback  
 1563 from parents, private schools, and providers before implementing  
 1564 substantial modifications or enhancements to the reimbursement  
 1565 process.

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1567 Information and documentation provided to the Department of  
 1568 Education and the Auditor General relating to the identity of a  
 1569 taxpayer that provides an eligible contribution under this  
 1570 section shall remain confidential at all times in accordance  
 1571 with s. 213.053.

1572 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 1573 PARTICIPATION.—

1574 (a) A parent who applies for a scholarship whose student  
 1575 will be enrolled full time in an eligible a private school must:

1576 1. Select an eligible private school and apply for the  
 1577 admission of his or her child.

1578 2. Request the scholarship by the date established by the  
 1579 organization in a manner that creates a written or electronic  
 1580 record of the request and the date of receipt of the request.

1581 3.a. Beginning with new applications for the 2025-2026  
 1582 school year and thereafter, notify the organization by a date  
 1583 set by the organization that the scholarship is being accepted  
 1584 or declined.

1585 b. Beginning with renewal applications for the 2025-2026  
 1586 school year and thereafter, notify the organization by May 31  
 1587 that the scholarship is being renewed or declined.

1588 ~~4.2-~~ Inform the applicable child's school district when the  
 1589 parent withdraws his or her student from a public school child  
 1590 to attend an eligible private school.

1591 ~~5.3-~~ Require his or her student participating in the  
 1592 program to remain in attendance at the eligible private school  
 1593 throughout the school year unless excused by the school for  
 1594 illness or other good cause and comply with the private school's  
 1595 published policies.

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1596 ~~6.4-~~ Meet with the eligible private school's principal or  
 1597 the principal's designee to review the school's academic  
 1598 programs and policies, specialized services, code of student  
 1599 conduct, and attendance policies before enrollment ~~in the~~  
 1600 ~~private school.~~

1601 ~~7.5-~~ Require his or her student participating in the  
 1602 program to take the norm-referenced assessment offered by the  
 1603 participating private school. The parent may also choose to have  
 1604 the student participate in the statewide assessments pursuant to  
 1605 s. 1008.22. If the parent requests that the student  
 1606 participating in the ~~scholarship~~ program take statewide  
 1607 assessments pursuant to s. 1008.22 and the participating private  
 1608 school has not chosen to offer and administer the statewide  
 1609 assessments, the parent is responsible for transporting the  
 1610 student to the assessment site designated by the school  
 1611 district.

1612 ~~8.6-~~ Approve each payment before the scholarship funds may  
 1613 be deposited by funds transfer. The parent may not designate any  
 1614 entity or individual associated with the participating private  
 1615 school as the parent's attorney in fact to approve a funds  
 1616 transfer. A participant who fails to comply with this paragraph  
 1617 forfeits the scholarship.

1618 ~~9.7-~~ Authorize the nonprofit scholarship-funding  
 1619 organization to access information needed for income eligibility  
 1620 determination and verification held by other state or federal  
 1621 agencies, including the Department of Revenue, the Department of  
 1622 Children and Families, the Department of Education, the  
 1623 Department of Commerce Economic Opportunity, and the Agency for  
 1624 Health Care Administration, for students seeking priority

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1625 eligibility.

1626 ~~10.9-~~ 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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1683 the regulation, control, or documentation is necessary for  
1684 participation in the program.

1685 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible  
1686 private school may be sectarian or nonsectarian and must:

1687 (a) Comply with all requirements for private schools  
1688 participating in state school choice scholarship programs  
1689 pursuant to s. 1002.421.

1690 (b) Provide to the organization all documentation required  
1691 for a student's participation, including confirmation of the  
1692 student's admission to the private school, the private school's  
1693 and student's fee schedules, and any other information required  
1694 by the organization to process scholarship payment pursuant to  
1695 paragraph (11)(c). Such information must be provided by the  
1696 deadlines established by the organization and in accordance with  
1697 the requirements of this section. A student is not eligible to  
1698 receive a quarterly scholarship payment if the private school  
1699 fails to meet the deadline.

1700 (c) (b) 1. Annually administer or make provision for students  
1701 participating in the scholarship program in grades 3 through 10  
1702 to take one of the nationally norm-referenced tests identified  
1703 by the department of ~~Education~~ or the statewide assessments  
1704 pursuant to s. 1008.22. Students with disabilities for whom  
1705 standardized testing is not appropriate are exempt from this  
1706 requirement. A participating private school must report a  
1707 student's scores to the parent. A participating private school  
1708 must annually report by August 15 the scores of all  
1709 participating students to a state university described in  
1710 paragraph (9) (f).

1711 2. Administer the statewide assessments pursuant to s.

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1712 1008.22 if a participating private school chooses to offer the  
1713 statewide assessments. A participating private school may choose  
1714 to offer and administer the statewide assessments to all  
1715 students who attend the participating private school in grades 3  
1716 through 10 and must submit a request in writing to the  
1717 Department of Education by March 1 of each year in order to  
1718 administer the statewide assessments in the subsequent school  
1719 year.

1720 If a participating private school fails to meet the requirements  
1721 of this subsection or s. 1002.421, the commissioner may  
1722 determine that the participating private school is ineligible to  
1723 participate in the scholarship program.

1724 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
1725 Education shall:

1726 (d) Notify eligible nonprofit scholarship-funding  
1727 organizations of the deadlines for submitting the verified list  
1728 of eligible scholarship students; cross-check the verified list  
1729 of ~~participating scholarship students~~ with the public school  
1730 enrollment lists to avoid duplication; and, when the Florida  
1731 Education Finance Program is recalculated, adjust the amount of  
1732 state funds allocated to school districts through the Florida  
1733 Education Finance Program based upon the results of the cross-  
1734 check.

1735 (e) Maintain and annually publish a list of nationally  
1736 norm-referenced tests identified for purposes of satisfying the  
1737 testing requirement in subparagraph (8) (c) 1. ~~(8) (b) 1.~~ The tests  
1738 must meet industry standards of quality in accordance with State  
1739 Board of Education rule.

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1741 (f) Issue a project grant award to a state university, to  
 1742 which participating private schools and eligible nonprofit  
 1743 scholarship-funding organizations must report the scores of  
 1744 participating students on the nationally norm-referenced tests  
 1745 or the statewide assessments administered in grades 3 through  
 1746 10. The project term is 2 years, and the amount of the project  
 1747 is up to \$250,000 per year. The project grant award must be  
 1748 reissued in 2-year intervals in accordance with this paragraph.

1749 1. The state university must annually report to the  
 1750 Department of Education on the student performance of  
 1751 participating students and, beginning with the 2027-2028 school  
 1752 year, on the performance of personalized education students:

1753 a. On a statewide basis. The report shall also include, to  
 1754 the extent possible, a comparison of scholarship students'  
 1755 performance to the statewide student performance of public  
 1756 school students with socioeconomic backgrounds similar to those  
 1757 of students participating in the scholarship program. To  
 1758 minimize costs and reduce time required for the state  
 1759 university's analysis and evaluation, the Department of  
 1760 Education shall coordinate with the state university to provide  
 1761 data to the state university in order to conduct analyses of  
 1762 matched students from public school assessment data and  
 1763 calculate control group student performance using an agreed-upon  
 1764 methodology with the state university; and

1765 b. On an individual school basis for students enrolled full  
 1766 time in a private school. The annual report must include student  
 1767 performance for each participating private school in which  
 1768 enrolled students in the private school participated in a  
 1769 scholarship program under this section ~~or~~ s. 1002.394(12)(a)7

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1770 ~~or s. 1002.40~~ in the prior school year. The report shall be  
 1771 according to each participating private school, and for  
 1772 participating students, in which there are at least 30  
 1773 participating students who have scores for tests administered.  
 1774 If the state university determines that the 30-participating-  
 1775 student cell size may be reduced without disclosing personally  
 1776 identifiable information, as described in 34 C.F.R. s. 99.12, of  
 1777 a participating student, the state university may reduce the  
 1778 participating-student cell size, but the cell size must not be  
 1779 reduced to less than 10 participating students. The department  
 1780 shall provide each participating private school's prior school  
 1781 year's student enrollment information to the state university no  
 1782 later than June 15 of each year, or as requested by the state  
 1783 university.

1784 2. The sharing and reporting of student performance data  
 1785 under this paragraph must be in accordance with requirements of  
 1786 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
 1787 Educational Rights and Privacy Act, and the applicable rules and  
 1788 regulations issued pursuant thereto, and shall be for the sole  
 1789 purpose of creating the annual report required by subparagraph  
 1790 1. All parties must preserve the confidentiality of such  
 1791 information as required by law. The annual report must not  
 1792 disaggregate data to a level that will identify individual  
 1793 participating schools, except as required under sub-subparagraph  
 1794 1.b., or disclose the academic level of individual students.

1795 3. The annual report required by subparagraph 1. shall be  
 1796 published by the Department of Education on its website.

1797 (i) Require quarterly reports by an eligible nonprofit  
 1798 scholarship-funding organization regarding the number of

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1799 students participating in the ~~scholarship~~ program;~~7~~ 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;~~7~~ 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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1857 years of age, whichever occurs first.

1858 (h) A student's scholarship account must be closed and any  
1859 remaining funds shall revert to the state after:

1860 1. Denial or revocation of program eligibility by the  
1861 commissioner for fraud or abuse, including, but not limited to,  
1862 the student or student's parent accepting any payment, refund,  
1863 or rebate, in any manner, from a provider of any services  
1864 received pursuant to paragraph (6) (d); ~~or~~

1865 2. Two consecutive fiscal years in which an account has  
1866 been inactive; or

1867 3. The student remains unenrolled in an eligible private  
1868 school for 30 days while receiving a scholarship that requires  
1869 full-time enrollment.

1870 (i) Moneys received pursuant to this section do not  
1871 constitute taxable income to the qualified student or the parent  
1872 of the qualified student.

1873 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;  
1874 APPLICATION.—In order to participate in the scholarship program  
1875 created under this section, a charitable organization that seeks  
1876 to be a nonprofit scholarship-funding organization must submit  
1877 an application for initial approval or renewal to the Office of  
1878 Independent Education and Parental Choice. ~~The office shall~~  
1879 ~~provide at least two application periods in which~~ Charitable  
1880 organizations may apply at any time to participate in the  
1881 program.

1882 (a) An application for initial approval must include:

1883 1. A copy of the organization's incorporation documents and  
1884 registration with the Division of Corporations of the Department  
1885 of State.

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1886 2. A copy of the organization's Internal Revenue Service  
1887 determination letter as a s. 501(c)(3) not-for-profit  
1888 organization.

1889 3. A description of the organization's financial plan that  
1890 demonstrates sufficient funds to operate throughout the school  
1891 year.

1892 4. A description of the geographic region that the  
1893 organization intends to serve and an analysis of the demand and  
1894 unmet need for eligible students in that area.

1895 5. The organization's organizational chart.

1896 6. A description of the criteria and methodology that the  
1897 organization will use to evaluate scholarship eligibility.

1898 7. A description of the application process, including  
1899 deadlines and any associated fees.

1900 8. A description of the deadlines for attendance  
1901 verification and scholarship payments.

1902 9. A copy of the organization's policies on conflict of  
1903 interest and whistleblowers.

1904 10. A copy of a surety bond or letter of credit to secure  
1905 the faithful performance of the obligations of the eligible  
1906 nonprofit scholarship-funding organization in accordance with  
1907 this section in an amount equal to 25 percent of the scholarship  
1908 funds anticipated for each school year or \$100,000, whichever is  
1909 greater. The surety bond or letter of credit must specify that  
1910 any claim against the bond or letter of credit may be made only  
1911 by an eligible nonprofit scholarship-funding organization to  
1912 provide scholarships to and on behalf of students who would have  
1913 had scholarships funded if it were not for the diversion of  
1914 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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1973 organization's participation remains eligible under this section  
 1974 until the end of the school year in which the organization was  
 1975 disapproved. The student must apply and be accepted by another  
 1976 eligible nonprofit scholarship-funding organization for the  
 1977 upcoming school year. The student shall be given priority in  
 1978 accordance with paragraph (6) (g).

1979 (f) All remaining funds held by a nonprofit scholarship-  
 1980 funding organization that is disapproved for participation must  
 1981 be transferred to other eligible nonprofit scholarship-funding  
 1982 organizations to provide scholarships for eligible students. All  
 1983 transferred funds must be deposited by each eligible nonprofit  
 1984 scholarship-funding organization receiving such funds into its  
 1985 scholarship account. All transferred amounts received by any  
 1986 eligible nonprofit scholarship-funding organization must be  
 1987 separately disclosed in the annual financial audit required  
 1988 under subsection (6).

1989 (g) A nonprofit scholarship-funding organization is a  
 1990 renewing organization if it maintains continuous approval and  
 1991 participation in the program. An organization that chooses not  
 1992 to participate for 1 year or more or is disapproved to  
 1993 participate for 1 year or more must submit an application for  
 1994 initial approval in order to participate in the program again.

1995 (h) The State Board of Education shall adopt rules  
 1996 providing guidelines for receiving, reviewing, and approving  
 1997 applications for new and renewing nonprofit scholarship-funding  
 1998 organizations. The rules must include a process for compiling  
 1999 input and recommendations from the Chief Financial Officer, the  
 2000 Department of Revenue, and the Department of Education. The  
 2001 rules must also require that the nonprofit scholarship-funding

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2002 organization make a brief presentation to assist the State Board  
 2003 of Education in its decision.

2004 (i) A state university; or an independent college or  
 2005 university which is eligible to participate in the William L.  
 2006 Boyd, IV, Effective Access to Student Education Grant Program,  
 2007 located and chartered in this state, is not for profit, and is  
 2008 accredited by the Commission on Colleges of the Southern  
 2009 Association of Colleges and Schools, is exempt from the initial  
 2010 or renewal application process, but must file a registration  
 2011 notice with the Department of Education to be an eligible  
 2012 nonprofit scholarship-funding organization. The State Board of  
 2013 Education shall adopt rules that identify the procedure for  
 2014 filing the registration notice with the department. The rules  
 2015 must identify appropriate reporting requirements for fiscal,  
 2016 programmatic, and performance accountability purposes consistent  
 2017 with this section, but shall not exceed the requirements for  
 2018 eligible nonprofit scholarship-funding organizations for  
 2019 charitable organizations.

2020 Section 5. Section 1002.40, Florida Statutes, is amended to  
 2021 read:

2022 1002.40 The Hope Scholarship Program.—

2023 (1) PURPOSE.—The Hope Scholarship Program is established to  
 2024 provide the parent of a public school student who was subjected  
 2025 to an incident listed in subsection (3) an opportunity to  
 2026 transfer the student to another public school or to request a  
 2027 scholarship for the student to enroll in and attend an eligible  
 2028 private school.

2029 (2) DEFINITIONS.—As used in this section, the term:

2030 ~~(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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2147 subsection or s. 1002.421, the commissioner may determine that  
 2148 the private school is ineligible to participate in the program.  
 2149 ~~(8) DEPARTMENT OF EDUCATION OBLIGATIONS. The department~~  
 2150 ~~shall:~~

2151 ~~(a) Cross check the list of participating scholarship~~  
 2152 ~~students with the public school enrollment lists to avoid~~  
 2153 ~~duplication and, when the Florida Education Finance Program is~~  
 2154 ~~recalculated, adjust the amount of state funds allocated to~~  
 2155 ~~school districts through the Florida Education Finance Program~~  
 2156 ~~based upon the results of the cross-check.~~

2157 ~~(b) Maintain a list of nationally norm-referenced tests~~  
 2158 ~~identified for purposes of satisfying the testing requirement in~~  
 2159 ~~paragraph (9)(f). The tests must meet industry standards of~~  
 2160 ~~quality in accordance with State Board of Education rule.~~

2161 ~~(c) Require quarterly reports by an eligible nonprofit~~  
 2162 ~~scholarship-funding organization regarding the number of~~  
 2163 ~~students participating in the program, the private schools in~~  
 2164 ~~which the students are enrolled, and other information deemed~~  
 2165 ~~necessary by the department.~~

2166 ~~(d) Contract with an independent entity to provide an~~  
 2167 ~~annual evaluation of the program by:~~

2168 ~~1. Reviewing the school bullying prevention education~~  
 2169 ~~program, climate, and code of student conduct of each public~~  
 2170 ~~school from which 10 or more students transferred to another~~  
 2171 ~~public school or private school using the Hope scholarship to~~  
 2172 ~~determine areas in the school or school district procedures~~  
 2173 ~~involving reporting, investigating, and communicating a parent's~~  
 2174 ~~and student's rights that are in need of improvement. At a~~  
 2175 ~~minimum, the review must include:~~

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2176 ~~a. An assessment of the investigation time and quality of~~  
 2177 ~~the response of the school and the school district.~~

2178 ~~b. An assessment of the effectiveness of communication~~  
 2179 ~~procedures with the students involved in an incident, the~~  
 2180 ~~students' parents, and the school and school district personnel.~~

2181 ~~c. An analysis of school incident and discipline data.~~

2182 ~~d. The challenges and obstacles relating to implementing~~  
 2183 ~~recommendations from the review.~~

2184 ~~2. Reviewing the school bullying prevention education~~  
 2185 ~~program, climate, and code of student conduct of each public~~  
 2186 ~~school to which a student transferred if the student was from a~~  
 2187 ~~school identified in subparagraph 1. in order to identify best~~  
 2188 ~~practices and make recommendations to a public school at which~~  
 2189 ~~the incidents occurred.~~

2190 ~~3. Reviewing the performance of participating students~~  
 2191 ~~enrolled in a private school in which at least 51 percent of the~~  
 2192 ~~total enrolled students in the prior school year participated in~~  
 2193 ~~the program and in which there are at least 10 participating~~  
 2194 ~~students who have scores for tests administered.~~

2195 ~~4. Surveying the parents of participating students to~~  
 2196 ~~determine academic, safety, and school climate satisfaction and~~  
 2197 ~~to identify any challenges to or obstacles in addressing the~~  
 2198 ~~incident or relating to the use of the scholarship.~~

2199 ~~(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM~~  
 2200 ~~PARTICIPATION. A parent who applies for a Hope scholarship is~~  
 2201 ~~exercising his or her parental option to place his or her~~  
 2202 ~~student in an eligible private school.~~

2203 ~~(a) The parent must select an eligible private school and~~  
 2204 ~~apply for the admission of his or her student.~~

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2205 ~~(b) The parent must inform the student's school district~~  
 2206 ~~when the parent withdraws his or her student to attend an~~  
 2207 ~~eligible private school.~~  
 2208 ~~(c) Any student participating in the program must remain in~~  
 2209 ~~attendance throughout the school year unless excused by the~~  
 2210 ~~school for illness or other good cause.~~  
 2211 ~~(d) Each parent and each student has an obligation to the~~  
 2212 ~~private school to comply with such school's published policies.~~  
 2213 ~~(e) Upon reasonable notice to the department and the school~~  
 2214 ~~district, the parent may remove the student from the private~~  
 2215 ~~school and place the student in a public school in accordance~~  
 2216 ~~with this section.~~  
 2217 ~~(f) The parent must ensure that the student participating~~  
 2218 ~~in the program takes the norm-referenced assessment offered by~~  
 2219 ~~the private school. The parent may also choose to have the~~  
 2220 ~~student participate in the statewide assessments pursuant to s.~~  
 2221 ~~1008.22. If the parent requests that the student take the~~  
 2222 ~~statewide assessments pursuant to s. 1008.22 and the private~~  
 2223 ~~school has not chosen to offer and administer the statewide~~  
 2224 ~~assessments, the parent is responsible for transporting the~~  
 2225 ~~student to the assessment site designated by the school~~  
 2226 ~~district.~~  
 2227 ~~(g) Upon receipt of a scholarship warrant, the parent to~~  
 2228 ~~whom the warrant is made must restrictively endorse the warrant~~  
 2229 ~~to the private school for deposit into the account of such~~  
 2230 ~~school. If payment is made by funds transfer in accordance with~~  
 2231 ~~paragraph (11) (d), the parent must approve each payment before~~  
 2232 ~~the scholarship funds may be deposited. The parent may not~~  
 2233 ~~designate any entity or individual associated with the~~

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2234 ~~participating private school as the parent's attorney in fact to~~  
 2235 ~~endorse a scholarship warrant or approve a funds transfer. A~~  
 2236 ~~parent who fails to comply with this paragraph forfeits the~~  
 2237 ~~scholarship.~~  
 2238 ~~(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP FUNDING~~  
 2239 ~~ORGANIZATIONS. An eligible nonprofit scholarship funding~~  
 2240 ~~organization may establish scholarships for eligible students~~  
 2241 ~~by:~~  
 2242 ~~(a) Receiving applications and determining student~~  
 2243 ~~eligibility in accordance with the requirements of this section.~~  
 2244 ~~(b) Notifying parents of their receipt of a scholarship on~~  
 2245 ~~a first come, first served basis, based upon available funds.~~  
 2246 ~~(c) Establishing a date by which the parent of a~~  
 2247 ~~participating student must confirm continuing participation in~~  
 2248 ~~the program.~~  
 2249 ~~(d) Awarding scholarship funds to eligible students, giving~~  
 2250 ~~priority to renewing students from the previous year.~~  
 2251 ~~(e) Preparing and submitting quarterly reports to the~~  
 2252 ~~department pursuant to paragraph (8) (e). In addition, an~~  
 2253 ~~eligible nonprofit scholarship funding organization must submit~~  
 2254 ~~in a timely manner any information requested by the department~~  
 2255 ~~relating to the program.~~  
 2256 ~~(f) Notifying the department of any violation of this~~  
 2257 ~~section.~~  
 2258 ~~(11) FUNDING AND PAYMENT.—~~  
 2259 ~~(a) For students initially eligible in the 2019-2020 school~~  
 2260 ~~year or thereafter, the calculated amount for a student to~~  
 2261 ~~attend an eligible private school shall be calculated in~~  
 2262 ~~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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2321 transferred funds must be deposited by each eligible nonprofit  
 2322 scholarship funding organization receiving such funds into the  
 2323 scholarship account of eligible students. All transferred  
 2324 amounts received by an eligible nonprofit scholarship funding  
 2325 organization must be separately disclosed in the annual  
 2326 financial audit requirement under s. 1002.395(6)(c). If no other  
 2327 eligible nonprofit scholarship funding organization participates  
 2328 in the Hope Scholarship Program, net eligible contributions in  
 2329 excess of the 5 percent may be used to fund scholarships for  
 2330 students eligible under s. 1002.395 only after fully exhausting  
 2331 all contributions made in support of scholarships under that  
 2332 section in accordance with the priority established in s.  
 2333 1002.395(6)(f) before awarding any initial scholarships.

2334 ~~(12) OBLIGATIONS OF THE AUDITOR GENERAL.~~

2335 (a) The Auditor General shall conduct an annual operational  
 2336 audit of accounts and records of each organization that  
 2337 participates in the program. As part of this audit, the Auditor  
 2338 General shall verify, at a minimum, the total number of students  
 2339 served and transmit that information to the department. The  
 2340 Auditor General shall provide the commissioner with a copy of  
 2341 each annual operational audit performed pursuant to this  
 2342 paragraph within 10 days after the audit is finalized.

2343 (b) The Auditor General shall notify the department of any  
 2344 organization that fails to comply with a request for  
 2345 information.

2346 ~~(13) SCHOLARSHIP-FUNDING TAX CREDITS.~~

2347 (a) A tax credit is available under s. 212.1832(1) for use  
 2348 by a person that makes an eligible contribution. Eligible  
 2349 contributions shall be used to fund scholarships under this

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2350 section and may be used to fund scholarships under s. 1002.395.  
 2351 Each eligible contribution is limited to a single payment of  
 2352 \$105 per motor vehicle purchased at the time of purchase of a  
 2353 motor vehicle or a single payment of \$105 per motor vehicle  
 2354 purchased at the time of registration of a motor vehicle that  
 2355 was not purchased from a dealer, except that a contribution may  
 2356 not exceed the state tax imposed under chapter 212 that would  
 2357 otherwise be collected from the purchaser by a dealer,  
 2358 designated agent, or private tag agent. Payments of  
 2359 contributions shall be made to a dealer at the time of purchase  
 2360 of a motor vehicle or to a designated agent or private tag agent  
 2361 at the time of registration of a motor vehicle that was not  
 2362 purchased from a dealer. An eligible contribution shall be  
 2363 accompanied by a contribution election form provided by the  
 2364 Department of Revenue. The form shall include, at a minimum, the  
 2365 following brief description of the Hope Scholarship Program and  
 2366 the Florida Tax Credit Scholarship Program: "THE HOPE  
 2367 SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS  
 2368 SUBJECTED TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE  
 2369 OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE  
 2370 PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL  
 2371 ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES  
 2372 A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP  
 2373 TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also  
 2374 include, at a minimum, a section allowing the consumer to  
 2375 designate, from all participating scholarship funding  
 2376 organizations, which organization will receive his or her  
 2377 donation. For purposes of this subsection, the term "purchase"  
 2378 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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2437 ~~information related to differences between credits taken by the~~  
 2438 ~~dealer pursuant to s. 212.1832(2) and amounts remitted to the~~  
 2439 ~~eligible nonprofit scholarship funding organization under~~  
 2440 ~~subparagraph (b)3.~~

2441 ~~(g) Any dealer, designated agent, private tag agent, or~~  
 2442 ~~organization that fails to timely submit reports to the~~  
 2443 ~~Department of Revenue as required in paragraphs (b) and (c) is~~  
 2444 ~~subject to a penalty of \$1,000 for every month, or part thereof,~~  
 2445 ~~the report is not provided, up to a maximum amount of \$10,000.~~  
 2446 ~~Such penalty shall be collected by the Department of Revenue and~~  
 2447 ~~shall be transferred into the General Revenue Fund. Such penalty~~  
 2448 ~~must be settled or compromised if it is determined by the~~  
 2449 ~~Department of Revenue that the noncompliance is due to~~  
 2450 ~~reasonable cause and not due to willful negligence, willful~~  
 2451 ~~neglect, or fraud.~~

2452 ~~(14) LIABILITY. The state is not liable for the award of or~~  
 2453 ~~any use of awarded funds under this section.~~

2454 ~~(15) SCOPE OF AUTHORITY. This section does not expand the~~  
 2455 ~~regulatory authority of this state, its officers, or any school~~  
 2456 ~~district to impose additional regulation on participating~~  
 2457 ~~private schools beyond those reasonably necessary to enforce~~  
 2458 ~~requirements expressly set forth in this section.~~

2459 ~~(5)(16) RULES.—The State Board of Education shall adopt~~  
 2460 ~~rules to administer this section, except the Department of~~  
 2461 ~~Revenue shall adopt rules to administer subsection (13).~~

2462 Section 6. Paragraph (i) of subsection (1) of section  
 2463 1002.421, Florida Statutes, is amended to read:  
 2464 1002.421 State school choice scholarship program  
 2465 accountability and oversight.—

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2466 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private  
 2467 school participating in an educational scholarship program  
 2468 established pursuant to this chapter must be a private school as  
 2469 defined in s. 1002.01 in this state, be registered, and be in  
 2470 compliance with all requirements of this section in addition to  
 2471 private school requirements outlined in s. 1002.42, specific  
 2472 requirements identified within respective scholarship program  
 2473 laws, and other provisions of Florida law that apply to private  
 2474 schools, and must:

2475 (i) Maintain a physical location in the state at which each  
 2476 student has regular and direct contact with teachers. Regular  
 2477 and direct contact with teachers may be satisfied for students  
 2478 enrolled in a personalized education program if students have  
 2479 regular and direct contact with teachers at the physical  
 2480 location at least two school days per week and the student  
 2481 learning plan addresses the remaining instructional time.

2482 The department shall suspend the payment of funds to a private  
 2483 school that knowingly fails to comply with this subsection, and  
 2484 shall prohibit the school from enrolling new scholarship  
 2485 students, for 1 fiscal year and until the school complies. If a  
 2486 private school fails to meet the requirements of this subsection  
 2487 or has consecutive years of material exceptions listed in the  
 2488 report required under paragraph (q), the commissioner may  
 2489 determine that the private school is ineligible to participate  
 2490 in a scholarship program.

2491 Section 7. Paragraph (a) of subsection (2) of section  
 2492 1002.45, Florida Statutes, is amended to read:  
 2493 1002.45 Virtual instruction programs.—

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2495 (2) PROVIDER QUALIFICATIONS.—

2496 (a) The department shall annually publish on its website a  
 2497 list of providers approved by the State Board of Education to  
 2498 offer virtual instruction programs. To be approved, a virtual  
 2499 instruction program provider must document that it:

2500 ~~1. Is nonsectarian in its programs, admission policies,~~  
 2501 ~~employment practices, and operations;~~

2502 1.2. Complies with the antidiscrimination provisions of s.  
 2503 1000.05;

2504 ~~2.3.~~ Locates an administrative office or offices in this  
 2505 state, requires its administrative staff to be state residents,  
 2506 requires all instructional staff to be Florida-certified  
 2507 teachers under chapter 1012 and conducts background screenings  
 2508 for all employees or contracted personnel, as required by s.  
 2509 1012.32, using state and national criminal history records;

2510 ~~3.4.~~ Electronically provides to parents and students  
 2511 specific information that includes, but is not limited to, the  
 2512 following teacher-parent and teacher-student contact information  
 2513 for each course:

2514 a. How to contact the instructor via phone, e-mail, or  
 2515 online messaging tools.

2516 b. How to contact technical support via phone, e-mail, or  
 2517 online messaging tools.

2518 c. How to contact the administration office via phone, e-  
 2519 mail, or online messaging tools.

2520 d. Any requirement for regular contact with the instructor  
 2521 for the course and clear expectations for meeting the  
 2522 requirement.

2523 e. The requirement that the instructor in each course must,

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2524 at a minimum, conduct one contact with the parent and the  
 2525 student each month;

2526 ~~4.5.~~ Possesses prior, successful experience offering  
 2527 virtual instruction courses to elementary, middle, or high  
 2528 school students as demonstrated by quantified student learning  
 2529 gains in each subject area and grade level provided for  
 2530 consideration as an instructional program option. However, for a  
 2531 virtual instruction program provider without sufficient prior,  
 2532 successful experience offering online courses, the State Board  
 2533 of Education may conditionally approve the virtual instruction  
 2534 program provider to offer courses measured pursuant to  
 2535 subparagraph (7) (a)2. Conditional approval shall be valid for 1  
 2536 school year only and, based on the virtual instruction program  
 2537 provider's experience in offering the courses, the State Board  
 2538 of Education may grant approval to offer a virtual instruction  
 2539 program;

2540 ~~5.6.~~ Is accredited by a regional accrediting association as  
 2541 defined by State Board of Education rule;

2542 ~~6.7.~~ Ensures instructional and curricular quality through a  
 2543 detailed curriculum and student performance accountability plan  
 2544 that addresses every subject and grade level it intends to  
 2545 provide through contract with the school district, including:

2546 a. Courses and programs that meet the standards of the  
 2547 International Association for K-12 Online Learning and the  
 2548 Southern Regional Education Board.

2549 b. Instructional content and services that align with, and  
 2550 measure student attainment of, student proficiency in the state  
 2551 academic standards.

2552 c. Mechanisms that determine and ensure that a student has

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2553 satisfied requirements for grade level promotion and high school  
2554 graduation with a standard diploma, as appropriate;

2555 ~~7.8-~~ Publishes, in accordance with disclosure requirements  
2556 adopted in rule by the State Board of Education, as part of its  
2557 application as an approved virtual instruction program provider  
2558 and in all contracts negotiated pursuant to this section:

- 2559 a. Information and data about the curriculum of each full-  
2560 time and part-time virtual instruction program.
- 2561 b. School policies and procedures.
- 2562 c. Certification status and physical location of all  
2563 administrative and instructional personnel.
- 2564 d. Hours and times of availability of instructional  
2565 personnel.
- 2566 e. Student-teacher ratios.
- 2567 f. Student completion and promotion rates.
- 2568 g. Student, educator, and school performance accountability  
2569 outcomes;

2570 ~~8.9-~~ If the approved virtual instruction program provider  
2571 is a Florida College System institution, employs instructors who  
2572 meet the certification requirements for instructional staff  
2573 under chapter 1012; and

2574 ~~9.10-~~ Performs an annual financial audit of its accounts  
2575 and records conducted by an independent auditor who is a  
2576 certified public accountant licensed under chapter 473. The  
2577 independent auditor shall conduct the audit in accordance with  
2578 rules adopted by the Auditor General and in compliance with  
2579 generally accepted auditing standards, and include a report on  
2580 financial statements presented in accordance with generally  
2581 accepted accounting principles. The audit report shall be

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2582 accompanied by a written statement from the approved virtual  
2583 instruction program provider in response to any deficiencies  
2584 identified within the audit report and shall be submitted by the  
2585 approved virtual instruction program provider to the State Board  
2586 of Education and the Auditor General no later than 9 months  
2587 after the end of the preceding fiscal year.

2588 Section 8. Paragraph (c) of subsection (1) of section  
2589 1003.4156, Florida Statutes, is amended to read:

2590 1003.4156 General requirements for middle grades  
2591 promotion.-

2592 (1) In order for a student to be promoted to high school  
2593 from a school that includes middle grades 6, 7, and 8, the  
2594 student must successfully complete the following courses:

2595 (c) Three middle grades or higher courses in social  
2596 studies. One of these courses must be at least a one-semester  
2597 civics education course that includes the roles and  
2598 responsibilities of federal, state, and local governments; the  
2599 structures and functions of the legislative, executive, and  
2600 judicial branches of government; and the meaning and  
2601 significance of historic documents, such as the Articles of  
2602 Confederation, the Declaration of Independence, and the  
2603 Constitution of the United States. All instructional materials  
2604 for the civics education course must be reviewed and approved by  
2605 the Commissioner of Education, in consultation with  
2606 organizations that may include, but are not limited to, the  
2607 Florida Joint Center for Citizenship, the Bill of Rights  
2608 Institute, Hillsdale College, the Gilder Lehrman Institute of  
2609 American History, iCivics, and the Constitutional Sources  
2610 Project, and with educators, school administrators,

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2611 postsecondary education representatives, elected officials,  
 2612 business and industry leaders, parents, and the public. Any  
 2613 errors and inaccuracies the commissioner identifies in state-  
 2614 adopted materials must be corrected pursuant to s. 1006.35.  
 2615 After consulting with such entities and individuals, the  
 2616 commissioner shall review the current state-approved civics  
 2617 education course instructional materials and the test  
 2618 specifications for the statewide, standardized EOC assessment in  
 2619 civics education and shall make recommendations for improvements  
 2620 to the materials and test specifications by December 31, 2019.  
 2621 By December 31, 2020, the department shall complete a review of  
 2622 the statewide civics education course standards. Each student's  
 2623 performance on the statewide, standardized EOC assessment in  
 2624 civics education required under s. 1008.22 constitutes 30  
 2625 percent of the student's final course grade. A middle grades  
 2626 student who transfers into the state's public school system from  
 2627 out of country, out of state, a private school, a personalized  
 2628 education program, or a home education program after the  
 2629 beginning of the second term of grade 8 is not required to meet  
 2630 the civics education requirement for promotion from the middle  
 2631 grades if the student's transcript documents passage of three  
 2632 courses in social studies or two year-long courses in social  
 2633 studies that include coverage of civics education.

2634 Section 9. Subsection (6) of section 1003.4282, Florida  
 2635 Statutes, is amended to read:  
 2636 1003.4282 Requirements for a standard high school diploma.-  
 2637 (6) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.-Beginning with  
 2638 the 2012-2013 school year, if a student transfers to a Florida  
 2639 public high school from out of country, out of state, a private

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

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2640 school, a personalized education program, or a home education  
 2641 program and the student's transcript shows a credit in Algebra  
 2642 I, the student must pass the statewide, standardized Algebra I  
 2643 EOC assessment in order to earn a standard high school diploma  
 2644 unless the student earned a comparative score, passed a  
 2645 statewide assessment in Algebra I administered by the  
 2646 transferring entity, or passed the statewide mathematics  
 2647 assessment the transferring entity uses to satisfy the  
 2648 requirements of the Elementary and Secondary Education Act, as  
 2649 amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss.  
 2650 6301 et seq. If a student's transcript shows a credit in high  
 2651 school reading or English Language Arts II or III, in order to  
 2652 earn a standard high school diploma, the student must take and  
 2653 pass the statewide, standardized grade 10 ELA assessment, or  
 2654 earn a concordant score. If a transfer student's transcript  
 2655 shows a final course grade and course credit in Algebra I,  
 2656 Geometry, Biology I, or United States History, the transferring  
 2657 course final grade and credit shall be honored without the  
 2658 student taking the requisite statewide, standardized EOC  
 2659 assessment and without the assessment results constituting 30  
 2660 percent of the student's final course grade.

2661 Section 10. Paragraph (1) of subsection (4) of section  
 2662 1003.485, Florida Statutes, is amended to read:  
 2663 1003.485 The New Worlds Reading Initiative.-  
 2664 (4) ADMINISTRATOR RESPONSIBILITIES.-The administrator  
 2665 shall:  
 2666 (1) Expend eligible contributions received only for the  
 2667 purchase and delivery of books and to implement the requirements  
 2668 of this section, as well as for administrative expenses not to

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2669 exceed 2 percent of total eligible contributions.  
 2670 Notwithstanding ~~s. 1002.395(6)(1)3.~~ ~~s. 1002.395(6)(1)2.~~, the  
 2671 administrator may carry forward up to 25 percent of eligible  
 2672 contributions made before January 1 of each state fiscal year  
 2673 and 100 percent of eligible contributions made on or after  
 2674 January 1 of each state fiscal year to the following state  
 2675 fiscal year for purposes authorized by this subsection. Any  
 2676 eligible contributions in excess of the allowable carry forward  
 2677 not used to provide additional books throughout the year to  
 2678 eligible students shall revert to the state treasury.

2679 Section 11. Effective upon this act becoming a law,  
 2680 paragraph (e) is added to subsection (5) of section 1004.6495,  
 2681 Florida Statutes, to read:

2682 1004.6495 Florida Postsecondary Comprehensive Transition  
 2683 Program and Florida Center for Students with Unique Abilities.—

2684 (5) CENTER RESPONSIBILITIES.—The Florida Center for  
 2685 Students with Unique Abilities is established within the  
 2686 University of Central Florida. At a minimum, the center shall:

2687 (e) By July 1, 2024, develop the purchasing guidelines for  
 2688 authorized uses of scholarship funds for the Family Empowerment  
 2689 Scholarship Program under s. 1002.394(4)(b) and by each July 1  
 2690 thereafter, revise such guidelines. The center must consult with  
 2691 parents of a student with a disability participating in the  
 2692 scholarship program in the development and revision of the  
 2693 guidelines and must provide the guidelines to each eligible  
 2694 nonprofit scholarship-funding organization that awards  
 2695 scholarships to a student eligible for the scholarship program  
 2696 under s. 1002.394(3)(b) for publishing on each organization's  
 2697 website.

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2698 Section 12. Except as otherwise expressly provided in this  
 2699 act and except for this section, which shall take effect upon  
 2700 this act becoming a law, this act shall take effect July 1,  
 2701 2024.

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The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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11/30/24

Meeting Date

SPB 7048

Bill Number or Topic

PreK-12 Education

Committee

Amendment Barcode (if applicable)

Name Ethan Merchant

Phone 850-699-0470

Address 113 E. College Ave  
Street

Email ethan@libertypartnersfl.com

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  
Parents  
for  
School Options

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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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11/30/24

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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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 Street

Email mbarrett@flaocb.org

Tallahassee City

FL State

32301 Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] 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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The Florida Senate

APPEARANCE RECORD

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1-30-24

Meeting Date

SPB 7048

Bill Number or Topic

PreK-12 Education

Committee

Amendment Barcode (if applicable)

Name Kristen Tyagi Phone 202-329-5707

Address 4532 Langston Blvd Suite 523 Email Kristen@publicschooloptions.org  
Street

Arlington VA 22207  
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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The Florida Senate

APPEARANCE RECORD

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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.

Email nataliegillespie@att.net

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:

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

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The Florida Senate

APPEARANCE RECORD

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SPB 7048

Meeting Date

Bill Number or Topic

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Pre K-12 Education

Committee

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 [x] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] 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)

JAN. 30

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SPB 7048

Bill Number or Topic

EDUCATION

Committee

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

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

1-30-24

Meeting Date

# The Florida Senate APPEARANCE RECORD

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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. Email Cari.2020@fl.senate.gov  
Street

Winter Springs FL 32708  
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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1/30/24

Meeting Date

SPB 7048

Bill Number or Topic

PreK-12 Education Committee

Committee

Amendment Barcode (if applicable)

Name Gail Seago

Phone 407-760-6372

Address 2337 Pickford Cir

Email Kgailseago0508@gmail.com

Street

Apopka FL 32703

City

State

Zip

Speaking: [ ] For [ ] Against [X] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] 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

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1/30/24

Meeting Date

SPB 7048

Bill Number or Topic

Education Pre K-12

Committee

Amendment Barcode (if applicable)

Name Kristen Patterson

Phone 318-955-5932

Address 4282 Sherborne Rd

Email kpatterson@gmail.com

Street

Tallahassee FL 32303

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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1-30-24

Meeting Date

# The Florida Senate APPEARANCE RECORD

SPB 7048

Bill Number or Topic

Education Pre-K-12

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

Committee

Amendment Barcode (if applicable)

Name Brenda Dickinson

Phone 850-264-2184

Address PO Box 12563.

Email consultingbrenda@gmail.com

Street

Tallahassee

FL

32317

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 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

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Meeting Date

7048

Bill Number or Topic

Education PreK-12

Committee

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:

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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11/30/24  
Meeting Date

SPB 7048  
Bill Number or Topic

Education Reek-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

SB 7048

Bill Number or Topic

PreK-12 Education Committee

Committee

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

Amendment Barcode (if applicable)

Name TaShanna Williams +Mahroug

Phone 561-817-6303

Address 12163 Morris Bidge Road #132

Email camdimahroug@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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1-30-24

Meeting Date

SPB 7048

Bill Number or Topic

Pre K-12 Education

Committee

Amendment Barcode (if applicable)

Name Justin Hughes

Phone 850-324-1452

Address 3615 Thomasville Rd.

Email jhughes@christclassical.com

Street

Tallahassee

FL

32309

City

State

Zip

Speaking: [ ] For [ ] Against [x] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] 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

SPB 7048 Bill Number or Topic

Education Prek-12 Committee

Amendment Barcode (if applicable)

Name Robbin Isham

Phone 727-643-3505

Address 110 Wateredge Court Street

Email risham@northbaychristian.com

Safety Harbor, FL 34695 City State Zip

Speaking: [ ] For [ ] Against [X] Information ? OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] 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)

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

The Florida Senate

APPEARANCE RECORD

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

SPB 704F

Bill Number or Topic

1-30-24

Meeting Date

Edu. Pre K-12

Committee

Amendment Barcode (if applicable)

Name Amy Stewart

Phone 901-515-8525

Address 1721 Broken Bow Trail

Email amyhedstrom@yahoo.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. [2020-2022 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.: -

Type:

Caption: Senate Education Pre-K -12 Committee

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.*



A handwritten signature in black ink, appearing to read "C. Byrd", is written over the printed name of the Secretary of State.

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.



**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

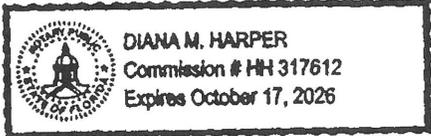
Sworn to and subscribed before me by means of  physical presence or  
 online notarization, this 6 day of April, 2023.

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