<table>
<thead>
<tr>
<th>Tab</th>
<th>Bill Number</th>
<th>Sponsor</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tab 1</td>
<td>SB 396</td>
<td>Berman</td>
<td>(Similar to H 00387) Holocaust Remembrance Day</td>
<td>01/29 12:54 PM</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tab 2</td>
<td>SB 962</td>
<td>Hooper</td>
<td>(Similar to CS/H 00883) Student Health</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tab 3</td>
<td>SB 996</td>
<td>Burgess</td>
<td>(Compare to CS/H 01285) Education</td>
<td>01/29 12:53 PM</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tab 4</td>
<td>SPB 7048</td>
<td>ED</td>
<td>Education</td>
<td></td>
</tr>
</tbody>
</table>
## 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

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

Consideration of proposed bill:
# COMMITTEE MEETING EXPANDED AGENDA

**Education Pre-K -12**  
**Tuesday, January 30, 2024, 1:00—3:00 p.m.**

<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>SPB 7048</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TAB</th>
<th>OFFICE and APPOINTMENT (HOME CITY)</th>
<th>FOR TERM ENDING</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Garcia, Kelly (Tampa)</td>
<td>12/31/2025</td>
<td></td>
</tr>
</tbody>
</table>

Other Related Meeting Documents
The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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

BILL: SB 396
INTRODUCER: Senator Berman
SUBJECT: Holocaust Remembrance Day
DATE: January 29, 2024

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.”
- Requires that the day be suitably observed in public schools, the capitol, and elsewhere as designated by the Governor.
- Requires instruction to be delivered on the designated day on the harmful impacts of the Holocaust and anti-Semitism as well as the positive impacts of the Jewish community on humanity.

The bill takes effect on July 1, 2024.

II. Present Situation:

Legal Holidays and Observances

Chapter 683, F.S., provides designations for legal holidays and special observances. Special observances are also found in other parts of Florida law. Recognition of a legal holiday or special observance may apply statewide or may be limited to a particular region. For example, “Gasparilla Day”\(^1\) is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”\(^2\) if issued by the Governor, is observed throughout the state. Depending on the holiday or special observance, certain actions may be required to be performed for the commemoration or observance of the date, day, or month. For example, Florida law recognizes the month of September as “American Founders’ Month,”\(^3\) urging, but not requiring, all civic, fraternal, and religious organizations and public and private educational institutions to recognize this occasion.

\(^1\) Section 683.08, F.S.
\(^2\) Section 683.25, F.S.
\(^3\) Section 683.1455, F.S.
In contrast, the last full week of classes in September is designated as “Celebrate Freedom Week,” 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.

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

**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.”

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.

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 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

---

4 Section 1003.421, F.S.
5 Id.
6 There are 21 state legal holidays, three judicial circuit court legal holidays, and three county legal holidays. Sections 683.01, 683.08, 683.09, 683.12, and 683.19, F.S.
7 Sections 683.04 - 683.335, F.S.
8 Section 110.117(1), F.S. Paid state holidays include: New Year’s Day, the Birthday of Martin Luther King, Jr., Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving, and Christmas Day.
10 Id.
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.\textsuperscript{11}

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

**Commemoration of the Holocaust**

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

**Holocaust Education in Florida**

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

In July 2021, the State Board of Education (SBE) adopted the updated State Standards for Social Studies, incorporating revised civics and government standards\textsuperscript{16} and new standards for grades 5-12 for Holocaust education for which instruction began in 2023-2024.\textsuperscript{17}

Required instruction on the Holocaust (1933-1945) must include the history of the systematic annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, and be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging

---


\textsuperscript{14} Chapter 2020-88, s. 5, Laws of Fla.


\textsuperscript{16} Chapter 2019-150, s.1, Laws of Fla.

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.\textsuperscript{18}

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

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

III. Effect of Proposed Changes:

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

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

The bill requires 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 must be delivered on Holocaust Remembrance Day. The bill does not specify if such instruction must 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.

\textsuperscript{18} Section 1003.42(2)(g)1., F.S.
\textsuperscript{19} Section 1003.42(2)(g)1., F.S.
\textsuperscript{20} Section 1003.42(2)(g)2., F.S.
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 Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)
   None.

B. Amendments:
   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
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
Day” may be observed in the public schools on the following school day or as otherwise designated by the district school board having jurisdiction.

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

And the title is amended as follows:

Delete lines 5 - 8

and insert:

Day”; authorizing “Holocaust Remembrance Day” to be observed in this state’s public schools and be observed by public exercise as the Governor may designate; providing construction; authorizing specified
A bill to be entitled

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

WHEREAS, more than 77 years have passed since the Holocaust
ended, yet anti-Semitism and unfounded hatred of Jews continues
to spread throughout the world, and
WHEREAS, millions of Jews, Soviet civilians, and persons
with disabilities were murdered during the Holocaust, as well as
people targeted for their ethnicity, religion, political
beliefs, and sexual orientation, and
WHEREAS, Kristallnacht, widely recognized as a
precipitating event that led to the Holocaust, was a series of
pogroms unleashed by Nazi leaders against the Jewish population
in Germany and newly incorporated territories which caused the
destruction of Jewish-owned businesses, synagogues, schools, and
homes, and
WHEREAS, the tragedy of the Holocaust and the ongoing
effects of anti-Semitism still impact Jewish communities in this
state, NOW, THEREFORE,

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

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

683.196 Holocaust Remembrance Day.—
(1) In honor of the millions of victims killed in the
Holocaust, the Governor shall annually proclaim the first
weekday in "Holocaust Education Week" under s. 1003.42(2)(g)2.
to be "Holocaust Remembrance Day," which must be suitably
observed in the public schools of this state and by public
exercise at the State Capitol and elsewhere as the Governor may
designate.
(2) If the first weekday of "Holocaust Education Week"
falls on a day that is not a school day, "Holocaust Remembrance
Day" must be observed in the public schools on the following
school day or as otherwise designated by the district school
board having jurisdiction.
(3) Instruction on the harmful impacts of the Holocaust and
anti-Semitism and the positive impacts of the Jewish community
on humanity must be provided as part of the public school
instruction on "Holocaust Remembrance Day."

Section 2. This act shall take effect July 1, 2024.
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. In Florida, approximately 1 in 8 adults and 1 in 9 children have asthma. 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.

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. 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”

---

2 Id.
or “rescue” medicines, they are the most effective for treating sudden, severe, or new asthma symptoms, working within 15 to 20 minutes and lasting for four to six hours.\(^5\)

In a 2021 joint policy statement on ensuring access to albuterol in schools, the American Thoracic Society, the Allergy and Asthma Network Mothers of Asthmatics, the American Lung Associations, and the National Association of School Nurses stated that for children with asthma, access to quick-relief medications is critical to minimizing morbidity and mortality.\(^6\) The statement concluded that stock albuterol in schools is a safe, practical, and potentially life-saving option for children with asthma, whether asthma is diagnosed or undiagnosed, who lack access to their personal quick-relief medication.\(^7\)

**Bronchodilator Regulation**

The Federal Food, Drug, and Cosmetic Act governs the sale of drugs\(^8\) in the United States.\(^9\) When approving applications for the approval of new drugs, the Secretary of Health and Human Services indicates whether the drug is approved for over-the-counter or for prescription use.\(^10\)

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

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

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

---


\(^7\) Id.

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


\(^10\) 21 U.S.C. s. 353(b)(1).


\(^14\) Section 499.005(14), F.S.

\(^15\) Section 1002.20(3)(i), F.S.

\(^16\) Section 499.03(1), F.S.
• A licensed practitioner authorized by law to prescribe prescription drugs or any person under the licensed practitioner’s supervision while acting within the scope of the licensed practitioner’s practice;
• A qualified person who uses prescription drugs for lawful research, teaching, or testing, and not for resale;
• A licensed hospital or other institution that procures such drugs for lawful administration or dispensing by practitioners;
• An officer or employee of a federal, state, or local government; or
• A person that holds a valid permit issued by the Department of Business and Professional Regulation, which authorizes that person to possess prescription drugs.

School Health

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

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

III. Effect of Proposed Changes:

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

Definitions

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

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

\(^{17}\) Section 1006.062, F.S.
\(^{18}\) Sections 381.0056(4)(a)12. and 1006.062(6), F.S.
\(^{19}\) Rule 64F-6.004, F.A.C.
\(^{20}\) Section 1002.20(3)(h), F.S.
• “Short-acting bronchodilator” to mean any beta-2 agonist, such as albuterol, which is used for the quick relief of asthma symptoms and is recommended by the National Heart, Lung, and Blood Institute. Such bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or compressor device or by a pressured metered dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a bronchodilator recommended by the National Heart, Lung, and Blood Institute.

Bronchodilator Supply

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

The bill provides a pathway for schools to purchase and maintain a supply of bronchodilators. The bill authorizes schools to:
• Acquire and stock a supply of short-acting bronchodilators and components from a wholesale distributor or enter into an arrangement with a wholesale distributor or manufacturer, for short-acting bronchodilators and components at no charge, a fair market price, or a reduced price for use in the event a student experiences an anaphylactic reaction or respiratory distress.
• Accept short-acting bronchodilators and components as a donation or transfer if they are new, unexpired, manufacturer-sealed, not subject to recall, unadulterated, and in compliance with relevant regulations adopted by the United States Food and Drug Administration.
• Supply short-acting bronchodilators and components for use by a trained school personnel member or a student authorized to self-administer a short-acting bronchodilator or components.

The bill provides safeguards for the use of bronchodilators in schools. The bill requires:
• The short-acting bronchodilators and components to be maintained in a secure location on a school’s premises.
• The participating school district or school to adopt a protocol developed by a licensed physician for administration of short-acting bronchodilators or components by school personnel who are trained to recognize symptoms of respiratory distress and to administer a short-acting bronchodilator or components.
• The school district or school to provide written notice of the district’s or school’s adopted protocol to each parent or guardian.
• The school to receive prior permission from the parent or guardian to administer a short-acting bronchodilator or components to a student.

**Bronchodilator Administration**

The bill provides that a school district or private school and its employees and agents who act in good faith are not liable for any injury arising from the use or nonuse of a short-acting bronchodilator or components administered by a trained school personnel member or nurse who follows the adopted protocol and whose professional opinion is that the student is experiencing respiratory distress:
• Unless the trained school personnel member’s or nurse’s action is willful and wanton;
• Notwithstanding that the parent or guardian of the student to whom the short-acting bronchodilator is administered has not been provided notice or has not signed a statement acknowledging that the school district is not liable; and
• Regardless of whether authorization has been given by the student’s parent or guardian or by the student’s physician, physician assistant, or advanced practice registered nurse.

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

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

The bill takes effect July 1, 2024.

**IV. Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**

  None.

B. **Public Records/Open Meetings Issues:**

  None.

C. **Trust Funds Restrictions:**

  None.

D. **State Tax or Fee Increases:**

  None.

E. **Other Constitutional Issues:**

  None.
V. Fiscal Impact Statement:
   A. Tax/Fee Issues:
      None.
   B. Private Sector Impact:
      None.
   C. Government Sector Impact:
      None.

VI. Technical Deficiencies:
    None.

VII. Related Issues:
    None.

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

IX. Additional Information:
    A. Committee Substitute – Statement of Changes:
       (Summarizing differences between the Committee Substitute and the prior version of the bill.)
       None.
    B. Amendments:
       None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to student health; amending s. 1002.20, F.S.; defining terms; revising a provision to authorize asthmatic students to carry a short-acting bronchodilator, rather than a metered dose inhaler; authorizing authorized health care practitioners to prescribe short-acting bronchodilators and components in the name of a public school; authorizing licensed pharmacists to dispense short-acting bronchodilators and components in the name of a public school; authorizing a public school to acquire and stock short-acting bronchodilators and components from wholesale distributors; authorizing a public school to enter into certain arrangements with a wholesale distributor or manufacturer; requiring a public school that obtains short-acting bronchodilators and components to maintain them in a secure location on school premises; 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; providing that a public school’s short-acting bronchodilators and components may be provided to and used by trained school personnel or students authorized to self-administer a short-acting bronchodilator and components; authorizing school districts to accept short-acting bronchodilators and components as a donation or transfer if the bronchodilators and components meet specified requirements; providing as a donation or transfer if the bronchodilators and components meet specified requirements; providing

CODING: Words ______ are deletions; words ___ underlined ___ are additions.
As used in this paragraph, the term:

1. **Short-acting bronchodilator Inhaler use.**

   a. "Administer" means to give or directly apply a short-acting bronchodilator to a student.
   
   b. "Asthma" means a chronic lung disease that inflames and narrows the airways and can manifest wheezing, chest tightness, shortness of breath, and coughing.
   
   c. "Authorized health care practitioner" means a physician licensed under chapter 458 or chapter 459, a physician assistant licensed under chapter 458 or chapter 459, or a registered nurse licensed under chapter 464.
   
   d. "Components" means devices used as part of clinically recommended use of short-acting bronchodilators, including spacers, valved holding chambers, or nebulizers.
   
   e. "Respiratory distress" means difficulty breathing by an individual, which can be caused by several medical factors, including chronic diseases such as asthma.
   
   f. "Short-acting bronchodilator" means any beta-2 agonist, such as albuterol, which is used for the quick relief of asthma symptoms and is recommended by the National Heart, Lung, and Blood Institute. Such bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or compressor device or by a pressured metered dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a bronchodilator recommended by the National Heart, Lung, and Blood Institute.

   2. Asthmatic students whose parent and physician provide their approval to the school principal may carry a short-acting bronchodilator metered dose inhaler on their person while in school.
school. The school principal **must** be provided a copy of
the parent’s and physician’s approval.

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

4.a. A public school may acquire and stock a supply of
short-acting bronchodilators and components from a wholesale
distributor as defined in s. 499.003 or may enter into an
arrangement with a wholesale distributor or manufacturer, as
those terms are defined in s. 499.003, 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.
The short-acting bronchodilators and components must be
maintained in a secure location on a school’s premises. The
participating school district or public school shall 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 supply of short-acting bronchodilators and components may be
provided to and used by a trained school personnel member or a
student authorized to self-administer a short-acting
bronchodilator or components.

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

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

CODING: Words **stricken** are deletions; words **underlined** are additions.
the student’s parent or guardian or by the student’s physician, physician assistant, or advanced practice registered nurse.

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

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

1002.42 Private schools.—

(19) SHORT-ACTING BRONCHODILATOR USE.—

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

1. “Administer” means to give or directly apply a short-acting bronchodilator to a student.

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

3. “Authorized health care practitioner” means a physician licensed under chapter 458 or chapter 459, a physician assistant licensed under chapter 458 or chapter 459, or a registered nurse licensed under chapter 464.

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

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

6. “Short-acting bronchodilator” means any beta-2 agonist, such as albuterol, which is used for the quick relief of asthma symptoms and is recommended by the National Heart, Lung, and Blood Institute. Such bronchodilators may include an orally inhaled medication that contains a premeasured single dose of albuterol or albuterol sulfate delivered by a nebulizer or compressor device or by a pressured metered dose inhaler used to treat respiratory distress, including, but not limited to, wheezing, shortness of breath, and difficulty breathing, or another dosage of a bronchodilator recommended by the National Heart, Lung, and Blood Institute.

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

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

(d) A private school may acquire and stock a supply of short-acting bronchodilators and components, as defined in s. 1002.20(3)(b), from a wholesale distributor as defined in s. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer, as those terms are defined in s. 499.003, 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. The short-acting bronchodilators and
components must be maintained in a secure location on the school
premises. The participating school shall adopt a protocol
developed by a licensed physician for the administration of a
short-acting bronchodilator or components by school personnel
who are trained to recognize symptoms of respiratory distress.
The supply of short-acting bronchodilators and components may be
provided to and used by a trained school personnel member or a
student authorized to self-administer a short-acting
bronchodilator or components.

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

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

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

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

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

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

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

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

Section 3. This act shall take effect July 1, 2024.
I. **Summary:**

SB 996 makes several changes to Florida’s K-12 public schools. Specifically 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.
- Creates the Purple Star School District program.
- Authorizes school districts to assign disruptive students to a disciplinary program or alternative-to-expulsion program.
- Deletes the requirement that school principals are required to notify parents by certified mail prior to placing a student in a dropout prevention and academic intervention program, in favor of notification by telephonic or electronic means.
- Removes the authority of school districts to offer second chance schools.
- 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.
- Authorizes the Commissioner of Education to appoint and remove the executive director for the Education Practices Commission.

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:**

**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. 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. To provide students residing within the school district the option of participating in virtual instruction programs, a school district may:

- 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.

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.

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. Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract with a qualified contractor to administer and proctor statewide, standardized assessments. If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district’s testing facilities.

---

1 Section 1002.45(1)(a)3., F.S.
2 Section 1002.45(1)(b)1., F.S.
3 Section 1002.45(1)(c), F.S.
4 Section 1002.45(2)(a), F.S.
5 Section 1002.45(5)(b), F.S.
6 Section 1008.24(3), F.S. School district may contract with qualified contractors to administer and proctor statewide, standardized assessments.
7 Section 1002.45(5), F.S.
8 *Id.*
Statewide Assessments and the Coordinated Screening and Program Monitoring

Florida’s statewide, standardized assessments measure the extent to which students have mastered the state academic standards. Florida and federal law require that all public school students participate in statewide, standardized English Language Arts (ELA) and Mathematics assessments at least annually beginning in the 3rd grade,9 and a science assessment at least once in each of grades 3 through 5, 6 through 9, and 10 through 12.10 Students must also participate in statewide, standardized end-of-course (EOC) assessments in Algebra I, Geometry, Biology I, Civics, and U.S. History.11

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.12 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 8.13

**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, 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.

**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.14 For a school to earn a Purple Star School Distinction the school must:15
- Designate a staff member as a military liaison.

---

10 Id.
11 Section 1008.22(3)(b), F.S.
12 Section 1008.25, (9) F.S.
13 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.
14 Chapter 2021-65, s. 1, Laws of Fla.
15 Section 1003.051(2), F.S.
• Maintain a web page on the school’s website which includes resources for military students and their families.
• 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:
  o 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.
  o 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.
  o The school partners with one or more military school liaison officer(s) to provide opportunities for active-duty parents to volunteer at the school.
  o The school maintains a public display recognizing service members, veterans, or military students and families.
  o 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.
  o 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. 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. 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.

**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 website 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 students.

---

16 Rule 6A-1.0999, F.A.C.
17 Id.
19 Id.
families, such as establishing a council consisting of a representative from each Purple Star School of Distinction in the school district and one school district-level representative to ensure alignment of military student-focused policies and procedures within the school district.

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. 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.

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.

District school board’s 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.

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:

- 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:

---

20 Section 1003.53, (1)(a), F.S.
21 Section 1003.53, (1)(b), F.S.
22 Section 1003.53, (4), F.S. See also Rule 6A-6.0521, F.A.C.
23 1003.53, (3), F.S.
24 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.\(^\text{25}\)

**Second Chance Schools**

“Second chance schools” are district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from State Board of Education rules that prevent the provision of appropriate educational services to violent, severely disruptive, or delinquent students in small nontraditional settings or in court-adjudicated settings.\(^\text{26}\)

A student enrolled in a grade 6 to grade 10 class may be assigned to a second chance school if the student meets the following criteria:\(^\text{27}\)

- The student is a habitual truant.
- The student’s excessive absences have detrimentally affected the student’s academic progress and the student may have unique needs that a traditional school setting may not meet.
- The student’s high incidences of truancy have been directly linked to a lack of motivation.
- The student has been identified as at risk of dropping out of school.

Students must be evaluated by the district school board’s child study team before placement in a second chance school. The study team must ensure that students are not eligible for placement in a program for emotionally disturbed children.\(^\text{28}\) Students who exhibit academic and social progress and who wish to return to a traditional school are required to complete a character development and law education program and demonstrate preparedness to reenter the regular school setting prior to reentering a traditional school.\(^\text{29}\)

**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 deletes the requirement that

\(^{25}\) Section 1003.53(5), F.S.
\(^{26}\) 1003.53, (1)(d)1., F.S.
\(^{27}\) 1003.53, (1)(d)3., F.S.
\(^{28}\) Section 1003.53,(1)(d)7., F.S.
\(^{29}\) Section 1003.53,(1)(d)8., F.S.
school principals are required to notify parents by certified mail, prior to placing a student in a dropout prevention and academic intervention program. The bill requires principals to make reasonable efforts to notify the parent or guardian, prior to placing a student in a dropout prevention and academic intervention program, by telephone or email, which must be documented. The bill also removes the authority of school districts to offer second chance schools.

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 (DOE) 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.

**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. 30 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. 31 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. 32 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. 33

---

30 Section 1006.34(1), F.S.
31 Section 1006.31, F.S.
32 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.
33 Section 1006.29(5), F.S.
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.34

Teacher Preparation Programs

Teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve the state education goals.35 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.36

There are various state-approved teacher preparation programs that individuals may use to receive the training needed to attain an educator certificate, including:37

- 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 areas(s), mastery of general knowledge, and mastery of professional preparation and education competence. Program completers qualify for a professional educator certificate.38
- 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.39 In addition to completing the district program, candidates must demonstrate mastery of general knowledge40 and subject area knowledge.41

---

34 Section 1006.38(2), F.S.
35 Section 1004.04(1)(b), F.S.
36 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.
38 Rule 6A-5.066(1)(r), F.A.C.
39 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.stml (last visited Jan. 18, 2024).
There are 57 initial teacher preparation programs in Florida, at 10 state universities, 19 Florida College System institutions, and 28 private colleges and universities.\(^{42}\)

**Effect of Proposed Changes**

The bill amends section 1006.38, F.S., to require instructional materials publishers and manufacturers 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**

**Present Situation**

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.\(^{43}\) Intervention and support is required for traditional public schools earning a letter grade of “D,” or “F.”\(^{44}\) 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.\(^{45}\) Intensive intervention and support strategies must be applied through turnaround plans to schools earning two consecutive grades of “D” or a grade of “F.”\(^{46}\)

Schools that earn two consecutive grades of “D” or a grade of “F” must also implement a district-managed turnaround plan through which the school district manages the two-year turnaround plan at the school.\(^{47}\) 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.\(^{48}\)
- By October 1, district-managed turnaround plan to the State Board of Education for approval.\(^{49}\)

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

---


\(^{43}\) 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).

\(^{44}\) Section 1008.33(3)(b), F.S.

\(^{45}\) Rule 6A-1.099811(3)(a), F.A.C.

\(^{46}\) Section 1008.33(4)(a), F.S.

\(^{47}\) Section 1008.33(4)(a), F.S.; Rule 6A-1.099811(6)(a)-(b), F.A.C.

\(^{48}\) 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.

\(^{49}\) Section 1008.33(4)(a), F.S.
summer program for State Board of Education (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.\textsuperscript{50}

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:\textsuperscript{51}

- 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.

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.\textsuperscript{52}

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.\textsuperscript{53}

\textbf{Effect of Proposed Changes}

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

The bill requires that 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 measurable 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:

\textsuperscript{50} Section 1008.33(4)(a), F.S.
\textsuperscript{51} Section 1008.33(4)(b)1.-3., F.S.; rule 6-A 1.099811(6)(b), F.A.C
\textsuperscript{52} Section 1008.33(4)(a), F.S.
\textsuperscript{53} Email, Florida Department of Education (Dec. 12, 2023).
• 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. Finally, the bill requires the SBE to adopt a standard charter school turnaround contract, standard facility lease, and mutual management agreement.

**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 Éducateur Certificate. The OPPS investigates when there are ultimate facts to support the educator has broken the law or violated the Principles of Professional Conduct. These laws and rules outline the standards of conduct expected of certified educators in Florida.

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 that determines what penalty is issued in each case.

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.

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, 

---

56 Section 1012.79, F.S.
58 Section 1012.79(5)-(6)(a), F.S.
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.\(^{59}\)

**Effect of Proposed Changes**

The bill amends section 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.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

\(^{59}\) Sections 17.03 and 1012.79(9), F.S.
VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1002.45, 1003.53, 1006.38, 1008.33, 1012.79, 1002.33, 1002.332, 1002.333, 1008.34, and 1011.62.

This bill creates section 1003.052 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
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
taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer’s Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

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

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

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

194.011(3), 196.011(6) and (9)(a), 196.151, 196.193(1)(e) and (5), 193.461(2), 193.503(7), 193.625(2), 197.2425, 197.301(2), and 197.2301(11)).

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

193.461(3)(a) and 196.011(1), (7), (8), and (9)(e)).

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

192.048 Electronic transmission.—

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

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

(c) The tax exemption renewal application required under s. 196.011(7)(b) s. 196.011(6)(b).
(d) A notification of an intent to deny a tax exemption required under s. 196.011(10)(e) or s. 196.011(9)(e).

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

196.082 Discounts for disabled veterans; surviving spouse carryover.—

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

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

(a) An official letter from the United States Department of
Veterans Affairs which states the percentage of the veteran’s service-connected disability and evidence that reasonably identifies the disability as combat-related;

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

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

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

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

196.011 Annual application required for exemption.—

(1)(a) Except as provided in s. 196.081(1)(b), every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made.
Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (9).

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

(5) It is not necessary to make annual application for exemption on property used to house a charter school pursuant to s. 196.1983. The owner or lessee of any property used to house a charter school pursuant to s. 196.1983 who is not required to file an annual application shall notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes so as to change the exempt status of the property. If any owner or lessee fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner or lessee was not entitled to receive such exemption, the owner or lessee of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a
penalty of 50 percent of the taxes exempted. The property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person or entity who illegally or improperly received the exemption. If such person or entity no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser shall record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

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

(12) For exemptions enumerated in paragraph (1)(b), social security numbers of the applicant and the applicant’s spouse, if any, are required and must be submitted to the department. Applications filed pursuant to subsection (6) or...
subsection (7) (6) shall include social security numbers of the applicant and the applicant’s spouse, if any. For counties where the annual application requirement has been waived, property appraisers may require refiling of an application to obtain such information.

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

1002.33 Charter schools.—

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

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

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

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

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

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

1002.45 Virtual instruction programs.—
(5) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in the school district’s virtual instruction program authorized pursuant to paragraph (1)(c) must:

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

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

1003.052 The Purple Star School District Program.—
(1)(a) The Department of Education shall establish the Purple Star School District Program. At a minimum, the program must require a participating school district to:

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

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

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

(2) The State Board of Education may adopt rules to administer this section.
Section 8. Present subsection (4) of section 1003.451, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

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

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

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

1003.53 Dropout prevention and academic intervention.–

(1)(a) Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline. Student participation in such programs shall be voluntary. District school boards may,
however, assign students to a disciplinary program for disruptive students or an alternative school setting or other program pursuant to s. 1006.13. Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family or having a disability.

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

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

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

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

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

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

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

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

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

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

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

(5) Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student’s eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student’s academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student’s parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice. District school boards may adopt a policy that allows a parent to agree to an alternative method of notification. Such agreement may be made before the need for
notification arises or at the time the notification becomes required. The parents of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

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

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

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

1004.051 Regulation of working students.—
(1) A public postsecondary institution may not, as a condition of admission to or enrollment in any of the
institution’s schools, colleges, or programs, implicitly or explicitly prohibit an applicant or currently enrolled student from being employed, either full time or part time.

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

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

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

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

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

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

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

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

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

(b) An associate in arts specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit. Specialized transfer degrees are designed for Florida College System institution students who need supplemental lower-level
coursework in preparation for transfer to another institution. The State Board of Education shall establish criteria for the review and approval of new specialized transfer degrees. The approval process must require:

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

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

3. After the submission of comments pursuant to subparagraph 2., the requesting Florida College System institution to submit a proposal that, at a minimum, includes:
   a. Evidence that the coursework for the associate in arts specialized transfer degree includes demonstration of competency in a foreign language pursuant to s. 1007.262 and demonstration of civic literacy competency as provided in subsection (5).
   b. Demonstration that all required coursework will count
toward the associate in arts degree or the baccalaureate degree.

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

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

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

   f. Responses to the comments received under subparagraph 2.

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

   (d) Upon approval of an associate in arts specialized
   transfer degree by the State Board of Education, a Florida
   College System institution may offer the degree and shall report
   data on student and program performance in a manner prescribed
   by the Department of Education.
(e) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to prescribe format and content requirements and submission procedures for notices of intent, proposals, and compliance reviews under this subsection.

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

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

1007.271 Dual enrollment programs.—

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

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

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

1008.33 Authority to enforce public school improvement.—

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of “D” or a grade of “F.” In the first full school year after a school initially earns a grade of “D,” the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c). For a school that initially earns a grade of “F” or a second consecutive grade of “D,” the school district must either continue implementing or immediately begin implementing intervention and support strategies prescribed in rule under paragraph (3)(c) and for the 2024-2025 school year provide the department, by September 1, with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. For the 2025-2026 school year and thereafter, the school district must provide the department, by August 1, with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and a district-managed turnaround plan for approval by the state board. The plan must include measurable academic benchmarks that put the school on a path to earning and maintaining a grade of “C” or higher. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, a combination of an extended school day and a summer program, or any other option authorized under paragraph (b) for state board
approval. A school district is not required to wait until a school earns a second consecutive grade of “D” to submit a turnaround plan for approval by the state board under this paragraph. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of “C” or higher after the first full school year of implementation.

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

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

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Upon reopening as a charter school:
   a. The school district shall continue to operate the school for the following school year and, no later than October 1, execute a charter school turnaround contract that will allow the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The school district may not reduce or remove resources from the
school during this time.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) DESIGNATION OF SCHOOL GRADES.—

(c)1. The calculation of a school grade shall be based on
the percentage of points earned from the components listed in
subparagraph (b)1. and, if applicable, subparagraph (b)2. The State Board of Education shall adopt in rule a school grading
scale that sets the percentage of points needed to earn each of the school grades listed in subsection (2). There shall be at
least five percentage points separating the percentage
thresholds needed to earn each of the school grades. The state
board shall annually review the percentage of school grades of
“A” and “B” for the school year to determine whether to adjust
the school grading scale upward for the following school year’s
school grades. The first adjustment would occur no earlier than
the 2023-2024 school year. An adjustment must be made if the
percentage of schools earning a grade of “A” or “B” in the current year represents 75 percent or more of all graded schools within a particular school type, which consists of elementary, middle, high, and combination. The adjustment must reset the minimum required percentage of points for each grade of “A,” “B,” “C,” or “D” at the next highest percentage ending in the numeral 5 or 0, whichever is closest to the current percentage. Annual reviews of the percentage of schools earning a grade of “A” or “B” and adjustments to the required points must be suspended when the following grading scale for a specific school type is achieved:

a. Ninety percent or more of the points for a grade of “A.”

b. Eighty to eighty-nine percent of the points for a grade of “B.”

c. Seventy to seventy-nine percent of the points for a grade of “C.”

d. Sixty to sixty-nine percent of the points for a grade of “D.”

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

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

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

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

(3)

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

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

a. A Florida voter’s registration card.
b. A Florida driver license.
c. A State of Florida identification card.
d. A Florida vehicle registration.
e. Proof of a permanent home in Florida which is occupied...
as a primary residence by the individual or by the individual’s parent if the individual is a dependent child.

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

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

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

2. The documents may include one or more of the following:
   a. A declaration of domicile in Florida.
   b. A Florida professional or occupational license.
   c. Florida incorporation.
   d. A document evidencing family ties in Florida.
   e. Proof of membership in a Florida-based charitable or professional organization.

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

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

1009.98 Stanley G. Tate Florida Prepaid College Program.—
(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

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

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

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

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

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

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

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

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board
shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

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

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

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

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

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

(e) Notwithstanding the number of credit hours used by a state university to assess the amount for registration fees, tuition, tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2024, may not exceed the number of credit hours taken by that qualified beneficiary at the state university.
(f) The board shall pay state universities the actual amount assessed in accordance with law for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, 2024.

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

1012.79 Education Practices Commission; organization.—

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

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

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

Section 19. Section 1012.86, Florida Statutes, is repealed.
Section 20. Subsection (19) of section 1001.64, Florida Statutes, is amended to read:

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

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

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

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

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

Section 22. This act shall take effect July 1, 2024.
And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; amending ss. 192.0105, 192.048, and 196.082, F.S.; conforming cross-references; amending s. 196.011, F.S.; providing that an annual application for exemption on property used to house a charter school is not required; requiring the owner or lessee of such property to notify the property appraiser in specified circumstances; providing penalties; amending s. 1002.33, F.S.; revising the definition of the term “charter school personnel”; amending s. 1002.45 providing responsibilities for approved virtual instruction program providers, virtual charter schools, and school districts relating to statewide assessments and progress monitoring for certain students; creating s. 1003.052, F.S.; establishing the Purple Star School District Program; providing requirements for such program; authorizing the Department of Education to establish additional program criteria; authorizing the State Board of Education to adopt rules; amending s. 1003.451, F.S.; requiring school districts and charter schools to provide certain students with an opportunity to take the Armed Services Vocational Aptitude Battery and consult with a military recruiter; providing requirements for the scheduling
of such test; amending s. 1003.53, F.S.; revising requirements for the assignment of students to disciplinary programs and alternative school settings or other programs; revising requirements for dropout prevention and academic intervention programs; requiring such programs to include academic intervention plans for students; providing requirements for such plans; providing that specified provisions apply to all dropout prevention and academic intervention programs; requiring school principals or their designees to make a reasonable effort to notify parents by specified means and to document such effort; creating s. 1004.051, F.S.; prohibiting a public postsecondary institution from implicitly or explicitly prohibiting specified students from being employed; providing applicability; amending s. 1006.38, F.S.; requiring instructional materials publishers and manufacturers or their representatives to make sample copies of specified instructional materials available electronically for use by certain institutes for a specified purpose; amending s. 1007.25, F.S.; creating associate in arts specialized transfer degrees; providing requirements for such degrees; providing a process for the approval of such degree programs; requiring the state board to adopt specified rules; amending s. 1007.271, F.S.; requiring district school boards to make reasonable efforts to enter into specified agreements with a Florida College System institution for certain online
courses; amending s. 1008.33, F.S.; revising the date by which a memorandum of understanding relating to schools in turnaround status must be provided to the department; revising requirements for district-managed turnaround plans; providing requirements for turnaround schools that close and reopen as charter schools and school districts in which such schools reside; providing that specified provisions do not apply to certain turnaround schools; requiring the State Board of Education to adopt rules for a charter school turnaround contract and specified leases and agreements; amending s. 1008.34, F.S.; requiring that any changes made by the state board to components in the school grades model or the school grading scale shall go into effect, at the earliest, the following school year; amending s. 1009.21, F.S.; providing an additional method for a student to prove residency for tuition purposes; providing that such method is deemed a single, conclusive piece of evidence proving residency; amending s. 1009.98, F.S.; revising the definition of the term “tuition differential”; revising provisions relating to payments the Florida Prepaid College Board must pay to state universities on behalf of beneficiaries of specified contracts; amending s. 1012.79, F.S.; authorizing the Commissioner of Education to appoint an executive director of the Education Practices Commission; revising the purpose of the commission; authorizing the commission to expend funds for legal services;
repealing s. 1012.86, F.S., relating to the Florida College System institution employment equity accountability program; amending ss. 1001.64 and 1001.65, F.S.; conforming provisions to changes made by the act; providing an effective date.
A bill to be entitled
An act relating to education; amending s. 1002.45,
F.S.; requiring virtual instruction program providers
and virtual charter schools to provide specified
information to school districts; providing
requirements for testing site locations; requiring
school districts to provide certain students with
access to the district testing facility and certain
information; creating s. 1003.052, F.S.; requiring the
Department of Education to create the Purple Star
School District program; providing program
requirements; authorizing the department to establish
additional criteria; authorizing the State Board of
Education to adopt rules; amending s. 1003.53, F.S.;
authorizing district school boards to assign certain
students to an alternative-to-expulsion program;
providing that student eligibility to receive certain
services may not be based solely on a student’s
disability; deleting the definition of the term
"second chance schools"; deleting provisions
authorizing a district school board to open a second
chance school; deleting provisions relating to second
chance schools; requiring that an academic
intervention plan be developed for students enrolled
in dropout prevention and academic intervention
programs; requiring a school principal to notify a
parent or guardian in a specified manner regarding a
student’s placement in such a program; amending s.
1006.38, F.S.; requiring publishers and manufacturers
of instructional materials to make available,
electronically and freely, sample copies of
instructional materials for a specified purpose;
amending s. 1008.33, F.S.; revising a timeframe for a
school district to provide the Department of Education
with a memorandum of understanding; revising
requirements for a district-managed turnaround plan;
requiring a school district to continue to operate a
school that closes and reopens as a charter school for
the following school year and to execute a charter
school turnaround contract with specified provisions;
prohibiting the school district from reducing or
removing resources from such school during a certain
timeframe; requiring a charter school operator to
provide enrollment preference to certain students
following a charter school turnaround; requiring the
school district to consult and negotiate with the
charter school every 3 years regarding the attendance
zone; requiring the charter school operator to serve
the existing grade levels served by the school;
prohibiting the school district from charging a rental
or leasing fee; prohibiting the school district from
withholding an administrative fee for certain
services; requiring the State Board of Education to
adopt rules relating to specified timelines; making
technical changes; amending s. 1012.79, F.S.;
authorizing the Commissioner of Education to appoint
and remove an executive director of the Education
Practices Commission; making technical changes;
Be It Enacted by the Legislature of the State of Florida:

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

1002.45 Virtual instruction programs.—

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

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

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

2. Unless an alternative testing site is mutually agreed to by the virtual instruction program provider or virtual charter school and the school district, or as contracted under s. 1008.24, all progress monitoring under s. 1008.25(9) and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas.

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

1003.052 Purple Star School Districts.—

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

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

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

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

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

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

1003.53 Dropout prevention and academic intervention.—

1. (a) Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline. Student participation in such programs is voluntary. District school boards may, however, assign students to a disciplinary program for disruptive students or an alternative-to-expulsion program pursuant to s. 1006.13. Notwithstanding any other provision of law to the contrary, a student may not be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family or based on a disability.

(d) "Second chance schools" means district school board programs provided through cooperative agreements between the

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

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

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

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

b. The student's excessive absences have detrimentally affected the student's academic progress and the student may...
with whom the student comes into contact:

1. (I) Includes violence.

2. (II) Includes possession of weapons or drugs.

3. (III) Includes harassment or verbal abuse of school personnel or other students.

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

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

6. Students who exhibit academic and social progress and who wish to return to a traditional school shall complete a character development and law education program and demonstrate preparedness to reenter the regular school setting prior to reentering a traditional school.

7. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to § 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 3. are met.

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

9. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to § 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 3. are met.

10. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the district school board.

11. The student 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.

12. The student is under the jurisdiction of the school in or out of the classroom, frequent conflicts of a disruptive nature occur.

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

   (I) Threatens the general welfare of students or others.

   (II) Includes violence.

   (III) Includes possession of weapons or drugs.

   (IV) Includes harassment or verbal abuse of school personnel or other students.

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

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

16. Students who exhibit academic and social progress and who wish to return to a traditional school shall complete a character development and law education program and demonstrate preparedness to reenter the regular school setting prior to reentering a traditional school.

17. A student who is habitually truant may be assigned to a second chance school only if the case staffing committee, established pursuant to § 984.12, determines that such placement could be beneficial to the student and the criteria included in subparagraph 3. are met.

18. The student 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.

19. The student is under the jurisdiction of the school in or out of the classroom, frequent conflicts of a disruptive nature occur.

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

   (I) Threatens the general welfare of students or others.

   (II) Includes violence.

   (III) Includes possession of weapons or drugs.

   (IV) Includes harassment or verbal abuse of school personnel or other students.
Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student’s eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student’s academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement as services by certified mail, return receipt requested, to the student’s parent or guardian of the student. Reasonable efforts must also be made by the principal to notify the parent or guardian by telephone or e-mail, or both, and these efforts must be documented. The parent or guardian 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. The parent or guardian of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

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

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

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

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

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

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

1008.33 Authority to enforce public school improvement.—

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

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

Paragraph (c) if it determines that the school is likely to
23-01125-24 2024996__

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

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

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

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

3. The school district shall continue to operate the school for the following school year and no later than October 1.

4. The school district shall consult and negotiate with the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The school district may not reduce or remove resources from the school during this time.

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

6. The charter school operator shall serve the existing

CODING: Words **stricken** are deletions; words *underlined* are additions.
individualized consultancy services tailored to address the identified needs of one or more schools under this section.

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

Implementation of the turnaround option is no longer required if the school improves to a grade of “C” or higher.

If a school earning two consecutive grades of “D” or a grade of “F” does not improve to a grade of “C” or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (c), the school district must implement another turnaround option.

Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of “C” or higher if additional time is provided to implement the existing turnaround option.

The state board shall adopt rules pursuant to ss. 23.01125-24, 2024996__

education stakeholders in developing the rules.

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

1012.79 Education Practices Commission; organization.—

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

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

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for 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 as provided in s. 17.03.

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

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing
23-01125-24 2024996__

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

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

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

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

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

(IV) Voluntarily close the charter school.

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

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

23-01125-24 2024996__

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

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

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

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

a. The charter school is established to turn around the
performance of a district public school pursuant to s.
1008.33(4)(c)2. Such charter schools shall be
governed by s. 1008.33;
b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of “D” in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

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

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

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

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

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

1002.332 High-performing charter school system.–

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

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

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

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

a. If the entity assumed operation of a public school pursuant to s. 1008.33(4)(c)

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

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

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

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

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

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

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

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

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

(c) The operator receives funding through the National Fund for Educational Accountability within a 5-mile radius of such school, whichever is greater; and

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

1008.33(4)(b)3. s. 1008.33(4)(c)3.
of the Charter School Growth Fund to accelerate the growth of
the nation’s best charter schools; or

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

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

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

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

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

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

This subsection is repealed July 1, 2025.

Section 11. Paragraph (b) of subsection (7) of section
1011.62, Florida Statutes, is amended to read:
1011.62 Funds for operation of schools.—If the annual
allocation from the Florida Education Finance Program to each
district for operation of schools is not determined in the
annual appropriations act or the substantive bill implementing
the annual appropriations act, it shall be determined as
follows:

(7) EDUCATIONAL ENRICHMENT ALLOCATION.—

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

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

CODING: Words underlined are additions; words underlined are additions.
provided in the General Appropriations Act.

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

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

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

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

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

The bill takes effect July 1, 2024, except as otherwise expressly provided.
II. Present Situation:

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

III. Effect of Proposed Changes:

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

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

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

Private School Participation in Scholarship Programs

Present Situation

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

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

---

¹ Section 1002.394, F.S.; see also Rule 6A-6.0952, F.A.C.
² Section 1002.395, F.S.; see also Rule 6A-6.0960, F.A.C.
³ Section 1002.395(7)(b), F.S.
⁴ Section 1002.40, F.S.; see also Rule 6A-6.0951, F.A.C.
⁵ Section 1002.421(1), F.S.
⁶ Section 1002.421(2), F.S.
⁷ Section 1002.421(3), F.S.
⁸ See ss. 1002.394(11) and 1002.395(6) and (15), F.S.
⁹ See s. 1002.421, F.S.
¹⁰ See s. 1002.01(3), F.S.
¹¹ Section 1002.421(1), F.S.
¹² Section 1002.421(1)(a)-(s), F.S.; see also Rule 6A-6.03315, F.A.C.
• Notify the DOE of any changes in the school’s name, director, mailing address, or physical location within 15 days of the change.
• Provide the DOE or the scholarship funding organization (SFO) all required documentation for student registration and payment.
• Provide to the SFO the school’s fee schedule.
• Annually complete and submit to the DOE a notarized scholarship compliance statement verifying compliance with background screening requirements.
• Demonstrate fiscal soundness in accordance with statutory requirements.
• Meet applicable state and local health, safety, and welfare laws, codes, and rules.
• Employ or contract with teachers that meet specified requirements.
• Maintain a physical location in the state at which each student has regular and direct contact with teachers.
• Provide to parents information regarding the school’s programs, services, classroom teacher qualifications, and a statement that a private school student with a disability does not have a right to all of the services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA).
• Provide the parent, at least on a quarterly basis, a written report of the student’s progress;
• Cooperate with a parent who wants a student to participate in Florida’s statewide, standardized assessments.
• Adopt policies establishing standards of ethical conduct for educational support employees, instructional personnel, and school administrators.
• Not be owned or operated by a person or an entity domiciled in, owned by, or in any way controlled by a foreign country of concern or foreign principal, as identified in law.

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

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

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

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

\textsuperscript{13} Rule 6A-6.03315, F.A.C.
\textsuperscript{14} Section 1002.395(6)(q), F.S.
\textsuperscript{15} Section 1002.421(1), F.S.
include such individual on the disqualification list\textsuperscript{16}, if the commissioner decides that the owner, officer, or director:\textsuperscript{17}

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

**Effect of Proposed Changes**

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

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

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

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

**Transition-to-work**

**Present Situation**

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

Among other requirements, to offer the program, a participating private school must:\textsuperscript{21}

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

\textsuperscript{16} See s. 1001.10(4)(b), F.S.
\textsuperscript{17} Section 1002.421(3)(c), F.S.
\textsuperscript{18} Section 1002.394(16), F.S.
\textsuperscript{19} Id.
\textsuperscript{20} Section 1002.394(16)(b), F.S.
\textsuperscript{21} Section 1002.394(16)(a), F.S.
**Effect of Proposed Changes**

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

**Florida Tax Credit Scholarship**

**Present Situation**

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

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

**Florida Tax Credit Scholarship Eligibility**

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

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

---

\(^{22}\) Section 1002.395(1)(b), F.S.

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

\(^{24}\) Sections 220.1875(1), 212.099(2), and 1002.395(5), F.S.

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

\(^{26}\) Chapter 2023-16, s. 6, Laws of Fla.

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

\(^{28}\) Section 1002.395(3)(b)1., F.S.
lab school, if the school district does not provide the student with transportation to the school.\textsuperscript{29} Such a scholarship is the greater of $750 or an amount equal to the school district expenditure per student riding a bus.\textsuperscript{30}

An FTC scholarship remains in force until the:\textsuperscript{31}
\begin{itemize}
  \item SFO determines that the student is not eligible for program renewal.
  \item Commissioner suspends or revokes program participation or use of funds.
  \item Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities.
  \item 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.
  \item Student graduates from high school or attains 21 years of age, whichever occurs first.
\end{itemize}

A student is not eligible for an FTC scholarship while he or she is: \textsuperscript{32}
\begin{itemize}
  \item Enrolled in a public school, including a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program (FEFP).
  \item Enrolled in a school operating for the purpose of providing educational services to youth in a DJJ commitment program.
  \item Receiving any other state-sponsored K-12 educational choice scholarship.
  \item 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).
  \item Participating in a home education program.
  \item Participating in a private tutoring program unless he or she is enrolled in a PEP; or
  \item Participating in virtual instruction that receives state-funding for the student’s participation.
\end{itemize}

\textbf{Florida Tax Credit Scholarship Authorized Uses}

Authorized uses of FTC scholarship funds include: \textsuperscript{33}
\begin{itemize}
  \item Tuition and fees for enrollment in an eligible private school.
  \item Instructional materials, including digital materials and Internet resources.
  \item 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.
  \item 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\textsuperscript{34}, an approved preapprenticeship program, \textsuperscript{35} a private tutoring program, a virtual program offered by a DOE-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
\end{itemize}

\textsuperscript{29} Section 1002.395(6)(d) and (11)(a)3., F.S.
\textsuperscript{30} Id. The district expenditure per student riding a school bus is the amount determined by the DOE.
\textsuperscript{31} Section 1002.395(11)(f), F.S.
\textsuperscript{32} Section 1002.395(4), F.S.
\textsuperscript{33} Section 1002.395(6)(d)2., F.S.
\textsuperscript{34} Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship. Additionally, eligible postsecondary educational institution includes approved higher education institutions which participate in distance education through reciprocity agreements.
\textsuperscript{35} Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
- Tuition and fees for part-time tutoring services or fees for services by a choice navigator.  

**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. Students enrolled in a PEP are authorized to participate in the FTC scholarship program and the program satisfies mandatory school attendance requirements. Students in PEP are provided access to the same programs and services as home education program students.

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

- 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 to the SFO and revising the plan, at least annually before program renewal.
  - Requiring the student to take a nationally norm-referenced test identified by the DOE or a statewide, standardized assessment and provide results to the SFO before renewal.
  - Renewing participation in the program each year.

---

36 A choice navigator is defined as an individual who assists parents with the selection, application, and enrollment in educational options that address the academic needs of their student. A choice navigator must be a person who holds a valid Florida educator's certificate, a person who holds an adjunct teaching certificate, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge, or a person certified by a nationally or internationally recognized research-based training program as approved by the DOE. Section 1002.95(2)(b), F.S.
37 Section 1002.01(2), F.S.
38 Sections 1002.395(7)(b) and 1003.01(13)(f), F.S.
39 Section 1002.01(2), F.S.
40 Section 1002.395(7)(b), F.S.
41 A student learning plan is a customized learning plan developed by a parent, at least annually, to guide instruction for their student and identify the goods and services that are needed to address the academic needs of the student.
o 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:\footnote{Section 1002.395(6)(e), F.S.}

- 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.\footnote{Section 1002.395(7)(b), F.S. (flush left provision at the end of the paragraph).}

The law provides SFOs with the following schedule for funding FTC scholarships to eligible students that are enrolled in PEP:\footnote{Section 1002.395(6)(d)1., F.S.}

- 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.\footnote{Id.} For the 2023-2024 school year, as of January 8, 2024, 18,081 PEP scholarships have been funded.\footnote{Email, Step Up for Students (January 8, 2024), and email, AAA (January 8, 2024).}

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: \footnote{Section 1002.395(7)(a)1.-8., F.S.}

- Select an eligible private school, 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.

\footnote{A private school is eligible to participate in the FTC if they meet statutory criteria for participation in state scholarship programs under s. 1002.421(1), F.S.,}
• Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school.\(^{49}\)
• Parents must approve each payment before the scholarship funds may be deposited.
• Parents must authorize the SFO to access information necessary to determine income eligibility, including information held by state and federal agencies.
• Agree to have the SFO commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using account funds for additional authorized uses. A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

**Florida Tax Credit Scholarship Disbursement and Award Amount**

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

For the 2022-2023 school year, 100,025 students were funded a FTC private school scholarship\(^{51}\) and 1,645 students were funded a FTC transportation scholarship.\(^{52}\) As of January 8, 2024, 129,228 FTC scholarships for students attending private school have been funded for the 2023-2024 school year.\(^{53}\)

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

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

---

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

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


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

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

\(^{54}\) Section 1002.395(6)(d)2., F.S.

\(^{55}\) Section 1002.395(11)(d), F.S.

\(^{56}\) Section 1002.395(11)(b), F.S.

\(^{57}\) Section 1002.395(7)(a)6. and (11)(b), F.S.
purchases a product identical to one offered by an SFO’s online platform for a lower price, the SFO must reimburse the parent the cost of the product. Reimbursements are allowed for items not on the platform.\textsuperscript{58}

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

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

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

\textit{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,\textsuperscript{63} the Florida Virtual School,\textsuperscript{64} and the Florida Scholars Academy.\textsuperscript{65} The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program\textsuperscript{66} 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.

\textsuperscript{58} Section 1002.395(6)(u), F.S.
\textsuperscript{59} Section 1002.395(6)(l)3., F.S.
\textsuperscript{60} Section 1002.395(11)(e), F.S.
\textsuperscript{61} Section 1002.395(11)(g), F.S.
\textsuperscript{62} Section 1002.395(11)(h), F.S.
\textsuperscript{63} Section 1002.351, F.S.
\textsuperscript{64} Section 1002.37, F.S.
\textsuperscript{65} Section 985.619, F.S.
\textsuperscript{66} Section 1002.411, F.S.
FTC Scholarship Award

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

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

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

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

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Scholarship Program</th>
<th>Application Window</th>
<th>Parent must Accept or Decline by</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW</td>
<td>FTC PEP</td>
<td>Feb 1-April 30</td>
<td>May 31</td>
</tr>
<tr>
<td></td>
<td>FTC-Full-time Private</td>
<td>None</td>
<td>Date set by the SFO</td>
</tr>
<tr>
<td>RENEWAL</td>
<td>FTC PEP</td>
<td>Feb 1-April 30</td>
<td>May 31</td>
</tr>
<tr>
<td></td>
<td>FTC-Full-time Private</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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. 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). Each scholarship has unique student eligibility requirements, program requirements, award calculation methodologies, and allowable expenditures.

In 2023, the Legislature expanded eligibility for the FES-EO scholarship for all Floridians eligible to attend public school in Florida while simultaneously turning the scholarship into an

---

67 Section 1002.394, F.S.; see also Rule 6A-6.0952, F.A.C.
68 Section 1002.394(3)(a) and (3)(b), F.S.
69 Section 1002.394, F.S.
educational savings account (ESA) by expanding the authorized uses for the FES-EO scholarship.\textsuperscript{70} Additionally, while convened in special session in November 2023, the Legislature enabled all applicants determined eligible by the scholarship funding organization and the Department of Education to receive an FES-UA scholarship, notwithstanding any other provision of law, for the 2023-2024 school year.\textsuperscript{71}

**Eligibility for the FES-EO**

A student is eligible for a scholarship to attend private school if the student is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a Florida public school.\textsuperscript{72}

A FES-EO scholarship remains in force until the: \textsuperscript{73}
- SFO determines that the student is not eligible for program renewal.
- Commissioner of Education (commissioner) suspends or revokes program participation or use of funds.
- Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities.
- Student enrolls in a public school, however, if a student enters a Department of Juvenile Justice (DJJ) detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose.
- Student graduates from high school or attains 21 years of age, whichever occurs first.

**FES-UA Eligibility**

A student is eligible for an FES-UA scholarship if the student: \textsuperscript{74}
- Is a resident of Florida.
- Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation or is eligible to enroll in kindergarten through grade 12 in a Florida public school.
- Has a disability as provided for in law.
- Is the subject of an IEP written in accordance with rules of the State Board of Education (SBE) or with the applicable rules of another state or has received a diagnosis of a disability from a licensed physician, a licensed psychologist, or a physician with a specified out-of-state license.

An FES-UA scholarship remains in force until the: \textsuperscript{75}
- Parent does not renew program eligibility.
- SFO determines that the student is not eligible for program renewal.
- Commissioner suspends or revokes program participation or use of funds.
- Student's parent has forfeited participation in the program for failure to comply with statutorily required parental and student responsibilities.

\textsuperscript{70} Chapter 2023-16, s. 5, Laws of Fla.
\textsuperscript{71} Chapter 2023-350, s. 1, Laws of Fla.
\textsuperscript{72} Section 1002.394(3)(a)1., F.S.
\textsuperscript{73} Section 1002.394(5)(a)1., F.S.
\textsuperscript{74} Section 1002.394(3)(b)1., F.S.
\textsuperscript{75} Section 1002.394(5)(b)1., F.S.
• Student enrolls in a public school.
• Student graduates from high school or attains 22 years of age, whichever occurs first.

Ineligibility for a FES-EO or FES-UA Scholarship

A student is ineligible for a scholarship under the FES-EO or FES-UA if the student is:76

• Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, a developmental research school, or a charter school.
• Enrolled in a DJJ commitment program.
• Receiving any other state-sponsored K-12 educational choice scholarship.
• Not having regular and direct contact with his or her private school teacher, unless the student has an eligible disability and is awarded an FES-UA scholarship and the student is enrolled in the private school’s transition-to-work program or a home education program.
• Participating in a private tutoring program, unless the student has an eligible disability and is awarded a scholarship under the FES-UA.
• Participating in a virtual instruction program that receives state funding pursuant to the student’s participation.

Family Empowerment Scholarship Awards

In 2023, the Legislature removed the cap on FES-EO scholarship awards77 and expanded eligibility for the FES-EO scholarship for all Floridians eligible to attend public school in Florida.

In the 2022-2023 school year, 88,010 FES-EO scholarships were funded to eligible students attending a private school78 and 696 FES-EO transportation scholarships were funded.79 In the 2023-2024 school year, as of January 8, 2024, 133,969 FES-private school scholarships have been funded80 and 4,504 FES-EO transportation scholarships have been funded.81

In 2023, the Legislature increased the cap on FES-UA scholarship awards from 1 percent of the number of exceptional student education students, excluding gifted students, to 3 percent.82 During special session in November 2023 the Legislature further expanded the cap on FES-UA scholarships to include all the students determined eligible by the SFO and the DOE for the 2023-2024 school year.83 For the 2024-2025 school year, and subsequent years, the growth rate for the FES-US scholarships will return to the 3 percent established during the 2023 regular session.84

---

76 Section 1002.394(6)(a)-(f), F.S.
77 Chapter 2023-16, s. 5, Laws of Fla.
78 Department of Education, 2022-23 FES EO by District
80 Department of Education, 2023-24 FES Educational Options.
81 Email, Department of Education, (January 8, 2024).
82 Section 1002.394(12)(b)1., F.S.
83 Chapter 2023-350, s. 1, Laws of Fla.
84 Chapter 2023-350, s. 1, Laws of Fla.
Family Empowerment Scholarship – EO Awards

The FES-EO is funded through the Florida Education Finance Program (FEFP) with a scholarship awarded by an SFO. 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. The DOE determines the appropriate student scholarship funding amount and cross-checks scholarship students with public school enrollment to avoid duplication.

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. 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. Parents must approve all payments before the SFO is authorized to transfer funds.

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.

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. 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.

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. The

---

85 Section 1002.394(8)(a), (11)(a), (11)(b), and (12)(a), F.S. The department must notify the SFO that scholarships may not be awarded in a school district in which the scholarship award will exceed 99 percent of the school district’s share of the state FEFP funds as calculated by the department. Section 1002.394(8)(a)13., F.S.
86 Section 1002.394(12)(a)1., F.S.; see also Step Up For Students, Basic Scholarship Amounts for 2023-24, available at https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FTC-FES-EO-Scholarship-Award-Amounts-2023-24.pdf. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.
87 Section 1002.394(12)(a)3., F.S.
88 Section 1002.394(12)(a)4., F.S. Scholarship payments are made to the SFO on or before August 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.
89 Section 1002.394(12)(a)4., F.S.
90 Section 1002.394(10)(a)7. and (12)(a)4., F.S.
91 Section 1002.394(8)(a)13., F.S. The FEFP is calculated five times throughout the year to arrive at each year’s final appropriations. See Florida Department of Education, 2021-22 Funding for Florida School Districts, at 25, available at https://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf.
92 Section 1002.394(3)(a)2.a., F.S.
93 Section 1002.394(3)(a)2.b., F.S.
94 Section 1002.394(11)(a)4., F.S.
parent of an eligible student must approve each payment prior to the SFO transferring funds to the account by funds transfer.\footnote{Section 1002.394(10)(a)7., F.S.}

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.\footnote{Section 1002.394(11)(a)5., F.S.}

Reimbursements for program expenditures continue until the account balance is expended or remaining funds have reverted to the state.\footnote{Section 1002.394(5)(a)2.b., F.S.} A student’s account must be closed, and any remaining funds will revert to the state, after:\footnote{Section 1002.394(5)(a)2.a., F.S.}

- 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.\footnote{Section 1002.394(11)(a)9., F.S.} and the DOE is required to transfer eligible student scholarship funds, beginning August 1, to an SFO.\footnote{Section 1002.394(12)(a)3., F.S.} 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.\footnote{Section 1002.391(12)(a)5., F.S.}

**Family Empowerment Scholarship –UA Awards**

The FES-UA is funded through the FEFP with a scholarship awarded by a SFO.\footnote{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.} 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.\footnote{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.} For a student who has a Level IV or Level V matrix of services, a FES-UA

\footnote{Section 1011.62(5), (7)(a), (8), and (16), F.S.}
The 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. 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. Initial scholarship payments are made after the SFO verifies the student’s participation.

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

- 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. In the 2023-2024 school year, as of December 20, 2023, 93,682 FES-UA scholarships have been funded. 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.

Family Empowerment Scholarships – Parental and Student Responsibilities

Parents and students receiving an FES-E0 scholarship must:

- Select the private school and apply for the admission of his or her student.
- Request the scholarship by a date established by the SFO, in a manner that creates a written or electronic record of the request and the date of receipt of the request.
- Inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school.
- Require his or her student participating in the program to remain in attendance throughout the school year unless excused by the school for illness or other good cause.
- Meet with the private school’s principal or the principal’s designee to review the school’s academic programs and policies, customized educational programs, code of student conduct, and attendance policies prior to enrollment.

---

104 Section 1002.394(12)(b)3., F.S.; see also Step Up For Students, Basic Scholarship Amounts for 2023-24, available at https://go.stepupforstudents.org/hubfs/Scholarship%20Info/FES-UA-Scholarship-Award-Amounts-2023-24.pdf. The categoricals included in this calculation are the Discretionary Millage Compression Supplement, the Educational Enrichment Allocation, and the State-Funded Discretionary Supplement. Section 1011.62(5), (7)(a), and (16), F.S.
105 Section 1002.394(12)(b)7., F.S. Scholarship payments are made to the SFO on or before September 1, November 1, February 1, and April 1 of each year. Rule 6A-6.0952, F.A.C.
106 Section 1002.394(12)(b)6., F.S.
107 Section 1002.394(12)(b)1.a.-c., F.S.
108 Email, Department of Education, 2022-23 FES UA by Eligibility and Grade, (Jan 5, 2024).
109 Email, Department of Education, 2023-24 FES Unique Abilities, (Jan 5, 2024).
110 Section 1002.394(12)(b)10., F.S.
111 Section 1003.394(10)(a), F.S.
• Require that the student participating in the scholarship program takes the norm-referenced assessment offered by the private school.\(^{112}\)

• Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent’s attorney in fact to endorse a scholarship warrant.

• Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the private school before using account funds for additional authorized uses.

Parents and students receiving an FES-UA scholarship must:\(^{113}\)

• Apply to an eligible SFO to participate in the program by a date set by the SFO in a manner that creates a written or electronic record of the request and the date of receipt of the request.

• Sign an agreement with the SFO and annually submit a sworn compliance statement to the SFO to satisfy or maintain program eligibility, including eligibility to receive and spend program payments by:
  - Affirming that the student is enrolled in a program that meets regular school attendance requirements.
  - Affirming that the program funds are used only for authorized purposes serving the student’s educational needs.
  - Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student by, as applicable:
    - Requiring the student to take a norm-referenced assessment or the statewide, standardized assessment.\(^{114}\)
    - Providing an annual home education program evaluation.
    - Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible VPK program provider.\(^{115}\)
  - Affirming that the student remains in good standing with the provider or school if those options are selected by the parent.
  - Enrolling his or her child in a program from a VPK program provider, a school readiness provider, or an eligible private school if either option is selected by the parent.
  - Renewing participation in the program each year.
  - Procuring the services necessary to educate the student.\(^{116}\)

Family Empowerment Scholarships – Authorized Uses

Authorized uses of FES-EO scholarship funds in an education savings account include:\(^{117}\)

\(^{112}\) The parent and student may also elect to participate in the statewide, standardized assessment administered by the school district. The parent is responsible for transporting the student to the assessment. Section 1003.394(10)(a)6., F.S.

\(^{113}\) Section 1002.394(10)(b), F.S.

\(^{114}\) However, students with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that standardized testing is not appropriate are exempt from this requirement. Section 1002.394(9)(c), F.S.

\(^{115}\) A student with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that a preassessment and postassessment is not appropriate is exempt from this requirement. Section 1003.394(10)(b)2.c.(III), F.S.

\(^{116}\) If such services include enrollment in an eligible private school, the parent must meet with the private school’s principal or the principal’s designee to review the school’s academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. Section 1002.394(10)(b)2.g., F.S.

\(^{117}\) Section 1002.394(4)(a), F.S.
• Tuition and fees at an eligible private school.
• Instructional materials, including digital materials and Internet resources.
• Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
• Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution\(^{118}\) or a program offered by the postsecondary educational institution,\(^{119}\) an approved preapprenticeship program,\(^{120}\) a private tutoring program, a virtual program offered by a department-approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
• Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
• Contracted services provided by a public school or school district, including classes. A student who receives services under a contract is not considered enrolled in a public school for scholarship eligibility purposes but rather attending a public school on a part-time basis.
• Tuition and fees for part-time tutoring services or fees for services by a choice navigator.

A scholarship in the amount of $750 or an amount equal to the school district expenditure per student riding a bus, whichever is greater, may also be awarded to an eligible public school student enrolled in a Florida public school which is different from the school to which the student was assigned or in a lab school, if the school district does not provide the student with transportation to the school.\(^{121}\)

A FES-UA scholarship for an eligible student with a disability may be used to cover the following expenses:\(^{122}\)
• Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
• Curriculum, which is a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
• Specialized services\(^{123}\) 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\(^{124}\) or a

---

\(^{118}\) “Eligible postsecondary educational institution” includes institutions that offer distance learning under a reciprocity agreement. See, supra, text accompanying note 47.

\(^{119}\) Unless the program is subject to a statutory fee exemption or the dual enrollment scholarship.

\(^{120}\) Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.

\(^{121}\) Section 1002.394(12)(a)2., F.S. The district expenditure per student riding a school bus is the amount determined by the DOE.

\(^{122}\) Section 1002.394(4)(b)1.-15., F.S.

\(^{123}\) Specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, or services provided by listening and spoken language specialists.

\(^{124}\) “Eligible postsecondary educational institution” includes institutions that offer distance learning under a reciprocity agreement.
program offered by the postsecondary educational institution; an approved preapprenticeship program; 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.
- 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, the Florida Virtual School, and the Florida Scholars Academy. The bill also clarifies that a public school student receiving a scholarship under the New Worlds Scholarship program is authorized to receive a transportation scholarship.

The bill expands eligibility for a FES scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida or whose home of record or state of residence, at the time of renewal, is Florida and clarifies that a student need only be 3 or 4 years of age during the year in which his or her parent applies for a FES-UA scholarship.

125 Unless the program is subject to a statutory fee exemption. The preapprenticeship program must also comply with all applicable requirements of the DOE pursuant to chapter 1005, F.S.
126 While contracted services are considered part-time enrollment, a student who receives services under such a contract is not considered enrolled in a public school for scholarship eligibility purposes.
127 Section 1002.351, F.S.
128 Section 1002.37, F.S.
129 Section 985.619, F.S.
130 Section 1002.411, F.S.
The bill requires that a scholarship funding organization (SFO) establish a process for parents receiving a Family Empowerment Scholarship (FES) scholarship to renew their participation, beginning with the 2025-2026 school year, with a renewal timeline beginning February 1 and ending April 30 of the prior school year. Renewal must be contingent on confirmation of admission to an eligible private school. The process must require that a parent confirm that the scholarship will be renewed or declined by May 31.

The SFO must establish a process for new FES scholarship applicants, beginning with the 2025-2026 school year, to submit their application beginning no earlier than February 1 of the prior school year until November 15. Applications received by the SFO after this date will be considered, on a first-come-first-served basis, for the following fiscal year. The process must require that a parent confirm that the scholarship will be accepted or declined by December 15.

The bill requires that the SFO, for each renewing scholarship student, verify the student’s continued eligibility to participate in the program at least 30 days prior to each quarterly payment. The SFO must submit a verified list of eligible scholarship students to the DOE, by a deadline set by the DOE. Upon receiving the verified list, the DOE must release to the SFO for deposit into the student’s account in quarterly payments no later than August 1, November 1, February 1 and April 1.

The bill requires that for new scholarship applicants, the SFO must verify a student’s eligibility to participate in the program at least 30 days prior to each quarterly payment. The SFO must submit a verified list of eligible scholarship students to the DOE, by a deadline set by the DOE. Upon receiving the verified list, the DOE must release to the SFO for deposit into the student’s account in quarterly payments no later than September 1, November 1, February 1, and April 1.

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

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Scholarship Program</th>
<th>Application Window</th>
<th>Parent must Accept or Decline by</th>
<th>1st Quarterly Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEW</strong></td>
<td>FES-EO and FES-UA</td>
<td>Feb 1 - Nov 15</td>
<td>December 15</td>
<td>September 1</td>
</tr>
<tr>
<td><strong>RENEWAL</strong></td>
<td>FES-EO and FES-UA</td>
<td>Feb 1-April 30</td>
<td>May 31</td>
<td>August 1</td>
</tr>
</tbody>
</table>

**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. Additionally, the bill provides an acceleration mechanism whereby the cap will increase by 1 percent for any year where more than 95 percent of the available FES-UA scholarships were funded the prior year.

The bill removes the provision of law relating to the FES-UA wait list as the newly created application and renewal deadlines and required SFO processes provide the framework for handling all FES-UA applications.

The bill expands eligibility for an FES-UA scholarship to the dependent children of an active duty member of the United States Armed Forces who has received permanent change of station orders to Florida, or whose home of record or state of residence, at the time of renewal, is Florida. The bill also specifies that a student need only be 3 or 4 years of age during the year in which his or her parent applies for an FES-UA scholarship, rather than by September 1.

131 In 2022-2023 the total statewide number of students in exceptional student education programs, not including gifted, was 428,213. Membership in Programs for Exceptional Students, Survey 2, 2022-23, available at https://www.fldoe.org/core/fileparse.php/7584/urlt/MPES2223.xlsx.
The bill expands the authorized uses for FES-UA scholarship funds to include prekindergarten programs offered by eligible private schools which participate in the state’s scholarship programs and offers education to students in any grades K-12.

The bill requires an SFO to notify parents of students receiving a FES-UA scholarship of available state and local services, including, but not limited to, vocational rehabilitation and blind services and defines transition services as a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student’s movement from school to post-school activities, based on the specific student’s needs.

The bill requires that the parent of a student receiving a FES-UA scholarship that enrolls full-time in a private school, to approve each payment to the eligible private school before scholarship funds may be released to the school. The parent is prohibited from designating any entity or individual associated with the eligible private school as the parent’s attorney in fact to approve the transfer. This change aligns the requirements of FES-UA with other scholarship requirements used to pay eligible private school tuition and fees.

The Hope Scholarship Program

Present Situation

In 2018, the Legislature created the Hope Scholarship Program (HSP) to provide the parent of a public school student subjected to a specified incident 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. 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. 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. 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. Unallocated HSP funds beyond the authorized 5 percent carry forward may be used to fund the FTC Program under certain circumstances.

As of January 8, 2024, 538 HSP scholarships have been funded for the 2023-2024.

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 school.

---

132 Section 1002.40(3), F.S. A specified incident includes: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.
133 Section 1002.40(1), F.S.
134 Section 1002.40(6)(a), F.S.
135 Section 1002.420(2)(d) and (13), F.S.
136 Section 1002.420(3) and (6), F.S.
137 See s. 1002.40(13), F.S.
138 Email, Step Up for Students (January 8, 2024).
private school under the Family Empowerment Scholarship (FES) and Florida Tax Credit (FTC) scholarship programs for students subjected to a specified incident, such as bullying or harassment. The bill clarifies that all students who received a HSP scholarship in the 2023-2024 school year are eligible for scholarships under the FTC and FES-EO scholarship programs.

The bill maintains the tax credits created for the HSP and transfers the tax credit revenue to the FTC scholarship program to provide additional funding for scholarships under that program. The bill updates the provisions of law governing eligible contributions to the FTC scholarship program to include those eligible contributions previously allocated to the HSP.

Department of Education and Scholarship Funding Organization Responsibilities

Present Situation

Department of Education Responsibilities

The Department of Education (DOE) must fulfill the following responsibilities for all state scholarship programs: 140

- Annually verify the private schools eligible to participate.
- Establish a toll-free hotline to provide parents and private schools with information about participating in the scholarship programs.
- Establish a process to allow individuals to notify the DOE of violations of state law relating to a scholarship program.
- Annually receive and retain from every participating private school a notarized, sworn compliance statement certifying compliance with state law.
- Coordinate with the entities conducting the health inspections and fire inspections for private schools to obtain copies of the inspection reports directly from the entities.
- Provide, at no cost to the school, the statewide, standardized assessments and any related materials for administering the assessments.
- Conduct site visits to schools entering a scholarship program for the first time. A school is not eligible to receive scholarship funds until a satisfactory site visit is completed and the school complies with all other requirements in law.
- Maintain, and annually publish, a list of nationally norm-referenced tests identified for purposes of satisfying scholarship program assessment requirements. 141

The DOE is authorized to conduct site visits to any private school participating in a state scholarship program that has received a complaint about a violation of state law or SBE rule or has received a notice of noncompliance or a notice of proposed action within the previous two years. 142 The DOE must annually submit, by December 15, a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which describes its implementation of the accountability measures in the scholarship programs, any substantiated allegations or violations of law or rule by a private school, and the corrective action taken. 143

---

139 A specified incident includes: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school. Section 1002.40(3), F.S.
140 Section 1002.421(2)(a), F.S.
141 Sections 1002.394(8)(a)3. and 1002.395(9)(e), F.S.
142 Section 1002.421(2)(b), F.S.
143 Section 1002.421(2)(c), F.S.
The DOE is required to issue a project grant award to a state university, to which participating private schools and Scholarship Funding Organizations (SFO) must report the scores of participating scholarship students and personalized education plan (PEP) students, respectively, on the nationally norm-referenced tests or the statewide assessments administered by the private school in grades 3 through 10.\(^{144}\) The state university must annually report to the DOE on the student performance of participating students and, beginning with the 2027-2028 school year, on the performance of PEP students:\(^{145}\)

- On a statewide basis, the report is required to include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program.
- On an individual school basis, the annual report is required to include student performance for each participating private school with any enrolled students participating in the FTC, Family Empowerment Scholarship for students attending private school (FES-EO), or HSP program in the prior school year.

The DOE must report, as part of the determination of full-time equivalent membership, all students who are receiving a Family Empowerment Scholarship (FES) scholarship program and are funded in the FEFP.\(^{146}\) The DOE must inform SFOs that students may not be submitted for FES funding after February 1, each year.\(^{147}\) To assist school districts in their budgeting processes, the DOE must report to school districts the consensus estimate of FTC and FES-EO enrollment in the subsequent school year.\(^{148}\)

**Scholarship Funding Organization Responsibilities**

Florida’s scholarship programs are administered by DOE-approved SFOs.\(^{149}\) The DOE is required to have at least two application periods each year in which charitable organizations may apply to participate in the Florida’s scholarship programs.\(^{150}\) A SFO must be a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a Florida based charitable organization that complies with scholarship program requirements.\(^{151}\) There are currently two SFOs approved to administer the FES-EO, the FES-UA, the FTC, the HSP, and the New Worlds Scholarship programs.\(^{152}\)

---

\(^{144}\) Section 1002.395(9)(f), F.S.

\(^{145}\) Section 1002.395(9)(f)1., F.S.

\(^{146}\) Section 1002.394(8)(a)2., F.S.

\(^{147}\) Section 1002.394(8)(a)4., F.S.

\(^{148}\) Section 1002.394(8)(c), F.S.

\(^{149}\) Florida Department of Education, Scholarship Funding Organizations, [https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/](https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/) (last visited Jan. 24, 2024).

\(^{150}\) Section 1002.395(15), F.S.

\(^{151}\) Section 1002.395(1)(f), F.S.

Each SFO administering FES scholarships is required to submit a quarterly report to the DOE containing, at a minimum the following:  
- 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:  
- 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.

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.

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. 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.

**Effect of Proposed Changes**

**Department of Education Responsibilities**

The bill amends sections 1002.395 and 1002.394, F.S., to require that the Department of Education (DOE) notify all Scholarship Funding Organizations (SFO) of the deadlines for

---

153 Section 1002.394(8)(a)11., F.S.  
154 Section 1002.395(9)(i), F.S.  
155 Section 1002.395(6)(l)2., F.S.  
156 Sections 1003.394(11)(a)4. and 1003.395(6)(j)1., F.S. For SFOs offering FTC scholarships, the organization may use eligible contributions for administrative expenses only if they have had no findings of material weakness or material noncompliance in its annual financial audit for the preceding 3 fiscal years. Section 1003.395(6)(j)1., F.S.  
157 Section 1002.395(6)(t), F.S.  
158 Id.
submitting the verified list of scholarship students and clarifies that in conducting its cross-check of the list of scholarship students provided by a SFO, the DOE must use the full-time equivalent student membership data to avoid duplication.

The bill updates the requirements for the annual report the DOE must require from SFOs to include the following information:

- The number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received.
- Data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and approved.
- Any parent input and feedback collected regarding the program.

Scholarship Funding Organization Responsibilities

The bill amends sections 1002.395 and 1002.394, F.S., to require each SFO establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

For an SFO administering the FTC scholarship program, the bill requires that a SFO annually expend 100 percent of any eligible contributions from the prior fiscal year and at least 75 percent of eligible contributions during the fiscal year in which they are received.

The bill requires that the calculation of the 25 percent authorized to be carried forward occur on June 30, rather than September 30, as previously authorized. Any funds that are in excess of the authorized 25 percent must be used to provide scholarships or transferred to other SFOs to provide scholarships. The early deadline provided for in the bill will assist in getting available funds to a SFO that can use them for scholarships earlier. These changes will maximize the number of FTC scholarships awarded prior to the award of FES-EO scholarships.

The bill clarifies that new scholarships are awarded on a first-come, first served basis unless income prioritization is selected. The SFO is only required to verify income of parents seeking a priority award.

The bill clarifies the prohibition on an SFO owner or operator also owning or operating a participating private school or for his or her child to receive a choice scholarship.

The bill revises the requirements for the development of purchasing guidelines by requiring the joint-development of such guidelines for FTC and FES-EO by all approved SFOs and requiring that all SFOs assist the Florida Center for Students with Unique Abilities with the development of purchasing guidelines for FES-UA scholarships and to publish the guidelines on the SFO website.

The bill authorizes a charitable organization seeking to be an approved SFO to apply with the DOE at any time, rather than the previous requirement that DOE have at least two application periods.
Florida Center for Students with Unique Abilities

Present Situation

The responsibilities of the Florida Center for Students with Unique Abilities (center) include, but are not limited to disseminating information regarding: education programs, services and resources available at eligible institutions; supports, accommodations, technical assistance or training provided by eligible institutions, the advisory council or regional autism centers; and mentoring, networking and employment opportunities; and coordinating, facilitating and overseeing statewide implementation of the Florida Postsecondary Comprehensive Transition Program (FPCTP).[^159]

The center provides technical assistance regarding programs and services for students with intellectual disabilities to administrators, instructors and staff at eligible institutions by holding meetings and annual workshops, facilitating collaboration between institutions and school districts, private schools, and parents of students enrolled in home education programs, assisting eligible institutions with applications, and monitoring federal and state law relating to the program.[^160]

Effect of Proposed Changes

The bill amends s.1004.6495, F.S., to require that, effective upon becoming law, the Florida Center for Students with Unique Abilities, in collaboration with scholarship funding organizations (SFO) and scholarship parents of a student with a disability develop the purchasing guidelines to be used by the SFOs administering FES-UA scholarships. The initial purchasing guidelines must be published by July 1, 2024, and, thereafter, revised guidelines must be published annually by July 1.

Virtual Instruction Programs

Present Situation

Virtual instruction programs are programs of instruction provided in an interactive learning environment created through technology in which students are separated from their teachers by time, space, or both.[^161] Under Florida law,[^162] a school district must establish multiple opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

- School district operated part-time or full-time virtual instruction programs for kindergarten through grade 12 students enrolled in the school district. A full-time program must operate under its own Master School Identification Number.
- Florida Virtual School instructional services.
- Blended learning instruction provided by charter schools.
- Virtual charter school instruction.

[^159]: Section 1004.6495(5)(a)-(b), F.S.
[^160]: Section 1004.6495(5)(d), F.S.
[^161]: Section 1002.45(1)(a)3., F.S.
[^162]: Chapter 2011-137, L.O.F.
- Courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques.
- Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state.\(^{163}\)

School districts are required to provide at least one option for part-time and full-time virtual instruction for students residing within the school district.\(^{164}\) School districts must also provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year.\(^{165}\) The DOE must annually publish on its website a list of providers approved by the SBE to offer virtual instruction programs in this state.\(^{166}\) To be approved, a virtual instruction program provider must document that it is nonsectarian in its programs, admission policies, employment practices, and operations.\(^{167}\)

**Effect of Proposed Changes**

The bill amends s. 1002.45, F.S., to remove the requirement for a virtual provider to document that it is nonsectarian in its programs, admission policies, employment practices, and operations.

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

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

\(^{163}\) Section 1002.321(3), F.S.

\(^{164}\) Section 1002.45(1)(b)1., F.S.

\(^{165}\) Id.

\(^{166}\) Section 1002.45(2)(a), F.S.

\(^{167}\) Section 1002.45(2)(a)1., F.S.
V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

None.

C. **Government Sector Impact:**

The bill changes the annual increase of the maximum number of students participating, or cap, in the FES-UA program from 3 percent to 5 percent of the state’s total exceptional student education full-time equivalent student membership, not including gifted students.\footnote{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.}

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.

<table>
<thead>
<tr>
<th>Estimated Fiscal Impact of the Bill</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Changing the 3 percent annual increase to 5 percent</td>
<td>$106.0 million</td>
</tr>
<tr>
<td>Estimated Number of Students Within Cap for Fiscal Year 2024-2025</td>
<td>70,772</td>
</tr>
</tbody>
</table>

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.
VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.1832, 213.053, 1002.394, 1002.395, 1002.40, 1002.421, 1002.45, 1003.4156, 1003.4282, 1003.485, and 1004.6495.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to education; amending s. 212.1832, 
F.S.; providing definitions; expanding the credit 
contributions for eligible nonprofit scholarship- 
funding organizations; providing requirements for such 
contributions; providing requirements for dealers, 
designated agents, private tag agents, and such 
organizations relating to such contributions; 
providing criminal penalties; requiring persons 
convicted of a specified offense to make restitutions 
to certain eligible nonprofit scholarship-funding 
organizations; requiring the Department of Revenue to 
notify affected organizations of specified dealer 
information under certain circumstances; providing 
penalties for certain dealers, designated agents, 
private tag agents, and such organizations; amending 
s. 213.053, F.S.; conforming cross-references to 
changes made by the act; amending s. 1002.394, F.S.; 
revising eligibility requirements for the Family 
Empowerment Scholarship Program; providing that 
equipment used as instructional materials may only be 
purchased for specified academic subjects; providing 
that transition services are a coordinated set of 
specified activities; authorizing funds to be used for 
certain prekindergarten programs; prohibiting certain 
eligible students from enrolling in public schools; 
providing an exemption to a prohibition against 
receiving other educational scholarships; providing 
additional criteria for the closure of scholarship

accounts and the reversion of funds to the state; 
revising the information that such organizations must 
include in their quarterly reports; authorizing the 
Department of Education to provide guidance to certain 
private schools; revising the documentation that 
private schools must provide to such organizations; 
revising the process for parents to provide certain 
notification to such organizations; prohibiting a 
parent from applying for multiple scholarships under 
specified programs for a single student at the same 
time; requiring such organizations to establish 
certain processes; requiring such organizations to 
submit specified information to the department; 
deleting a requirement that certain students be placed 
on a wait list; requiring such organizations to 
provide certain notification to parents; revising 
provisions relating to a specified administrative fee; 
revising provisions relating to increasing the number 
of certain scholarships; revising provisions relating 
to the payment and disbursement of funds; amending s. 
1002.395, F.S.; revising eligibility requirements for 
the Florida Tax Credit Scholarship Program; 
prohibiting certain eligible students from enrolling 
in public schools; providing an exemption to a 
prohibition against receiving other educational 
scholarships; providing that equipment used as 
instructional materials may only be purchased for 
specified academic subjects; revising the process for 
parents to provide certain notification to such
organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to assist the Florida Center for Students with Unique Abilities with the development of specified guidelines and to publish such guidelines on their websites; revising department notification requirements; revising the information that such organizations must include in their quarterly reports; revising provisions relating to the payment and disbursement of funds; authorizing a charitable organization to apply at any time to participate in the program as a scholarship-funding organization; amending s. 1002.40, F.S.; revising requirements for the Hope Scholarship Program; amending s. 1002.421, F.S.; revising requirements for regular and direct contact for certain students; amending s. 1002.45, F.S.; deleting a requirement that virtual instruction program providers be nonsectarian; amending s. 1003.4156, F.S.; providing that certain requirements apply to middle grade students transferring from a personalized education program; amending s. 1003.4282, F.S.; providing that certain requirements apply to high school students transferring from a personalized education program; amending s. 1003.485, F.S.; conforming cross-references to changes made by the act; amending s. 1004.6495, F.S.; requiring the Florida Center for Students with Unique Abilities to develop specified purchasing guidelines by a specified date and annually revise such guidelines; providing requirements for the development and revision of such guidelines; requiring that such guidelines be provided to specified eligible nonprofit scholarship-funding organizations; providing effective dates.

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

Section 1. Section 212.1832, Florida Statutes, is amended to read:

212.1832 Credit for contributions to eligible nonprofit scholarship-funding organizations.—

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

(a) "Designated agent" has the same meaning as in s. 212.06(10).

(b) "Eligible contribution" or "contribution" means a monetary contribution from a person purchasing a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The person making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as in s. 1002.395(2).

(d) "Motor vehicle" has the same meaning as in s. 320.01(1)(a), but does not include a heavy truck, truck tractor, trailer, or motorcycle.

(2) The purchaser of a motor vehicle shall be granted a
credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under this section against any tax imposed by the state under this chapter and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle, except that a credit may not exceed the tax that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. Each eligible contribution is limited to a single payment of $105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of $105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer, except that a contribution may not exceed the state tax imposed under this chapter that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent.

Contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, the following brief description of the Florida Tax Credit Scholarship Program: "THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL OR PERSONALIZE HIS OR HER EDUCATION." The form shall also include, at a minimum, a section allowing the consumer to designate, from all participating scholarship-funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(1) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (2).

(a) A dealer, designated agent, or private tag agent shall:

1. Provide the purchaser the contribution election form, as provided by the department, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

(b) An eligible nonprofit scholarship-funding organization shall report to the department, on or before the 20th day of each month, the total amount of contributions received pursuant to paragraph (a) in the preceding calendar month on a form.
A person convicted of an offense under paragraph (c) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

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

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

(4) All for purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. Section 1002.395 applies to the credit authorized by this section.

Section 2. Paragraph (a) of subsection (22) of section...
213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(22)(a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.395, a dealer’s name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization pursuant to s. 212.1832(3)(a). Under s. 1002.395(13)(b), the eligible nonprofit scholarship-funding organization may use the information for purposes of recovering eligible contributions designated for that organization that were collected by the dealer but never remitted to the organization.

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

1002.394 The Family Empowerment Scholarship Program.—

(3) SCHOLARSHIP ELIGIBILITY.—

(a) A parent of a student may apply for a scholarship for the purposes specified in paragraph (4)(a) if the student:

1. Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has received permanent change of station orders to this state; and

2. Is eligible to enroll in kindergarten through grade 12 in a public school in this state or received a scholarship under the Hope Scholarship Program in the 2023-2024 school year.

2. Priority must be given in the following order:

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

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

3. A parent of a student with a disability may apply for and receive from the state a scholarship for the purposes specified in paragraph (4)(b) if the student:

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

3. Is eligible to enroll in kindergarten through grade 12 in a public school in this state;

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

5. Is the subject of an IEP written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490,
or a physician who holds an active license issued by another
state or territory of the United States, the District of
Columbia, or the Commonwealth of Puerto Rico.

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

(4) AUTHORIZED USES OF PROGRAM FUNDS.—
(a) Program funds awarded to a student determined eligible
pursuant to paragraph (3)(a) may be used for:

1. Tuition and fees at an eligible private school.
2. Transportation to a Florida public school in which a
student is enrolled and that is different from the school to
which the student was assigned or to a lab school as defined in
s. 1002.32.
3. Instructional materials, including digital materials and
Internet resources. Equipment used as instructional materials
may only be purchased for subjects in language arts and reading,
mathematics, social studies, and science.
4. Curriculum as defined in subsection (2).
5. Tuition and fees associated with full-time or part-time
enrollment in an eligible postsecondary educational institution
or a program offered by the postsecondary educational
institutions, unless the program is subject to s. 1009.25 or
reimbursed pursuant to s. 1009.30; an approved preapprenticeship
program as defined in s. 446.021(5) which is not subject to s.
1009.25 and complies with all applicable requirements of the
department pursuant to chapter 1005; a private tutoring program
for service provided by a choice navigator. Such services must
be provided by a person who holds a valid Florida educator’s
certificate pursuant to s. 1012.56, a person who holds an
adjunct teaching certificate pursuant to s. 1012.57, a person
who has a bachelor’s degree or a graduate degree in the subject
area in which instruction is given, a person who has
demonstrated a mastery of subject area knowledge pursuant to s.
1012.56(5), or a person certified by a nationally or
internationally recognized research-based training program as
approved by the department. As used in this subparagraph, the
term "part-time tutoring services" does not qualify as regular
school attendance as defined in s. 1003.01(16)(e).
(b) Program funds awarded to a student with a disability determined eligible pursuant to paragraph (3)(b) may be used for the following purposes:

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

2. Curriculum as defined in subsection (2).

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

   a. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.
   b. Services provided by speech-language pathologists as defined in s. 468.1125(8).
   c. Occupational therapy as defined in s. 468.203.
   d. Services provided by physical therapists as defined in s. 486.021(8).
   e. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who has a hearing impairment, including deafness, and who has received an implant or assistive hearing device.

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

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

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

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

8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator’s certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor’s degree or a graduate degree in the subject area in which instruction is given, a person who has...
TERM OF SCHOLARSHIP.—For purposes of continuity of school attendance as defined in s. 1003.01(16)(e).

9. Fees for specialized summer education programs.

10. Fees for specialized after-school education programs.

11. Transition services provided by job coaches. Transition services are a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student’s movement from school to postschool activities and are based on the student’s needs.

12. Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(f), if this option is chosen for a home education student.

13. Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55, and school readiness providers approved pursuant to s. 1002.88, and prekindergarten programs offered by an eligible private school.

14. Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

15. Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

(5) TERM OF SCHOLARSHIP.—For purposes of continuity of

CODING: Words underlined are additions; words deleted are deletions.
b. Reimbursements for program expenditures may continue until the account balance is expended or remaining funds have reverted to the state.

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

a. The parent does not renew program eligibility;

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

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

d. The student’s parent has forfeited participation in the program participation or use of funds.

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

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

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

b. Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or

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

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

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

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

a. The parent does not renew program eligibility;

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

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

d. The student’s parent has forfeited participation in the program participation or use of funds.

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

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

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

b. Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or

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

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

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

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

a. The parent does not renew program eligibility;

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

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

d. The student’s parent has forfeited participation in the program participation or use of funds.

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

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

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

b. Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or

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

d. The student graduates from high school or attains 22 years of age, whichever occurs first.
581-02369C-24 20247048pb

(7) SCHOOL DISTRICT OBLIGATIONS.—

(d) Upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1002.41 and any related materials for administering the assessments. For a student who participates in the Family Empowerment Scholarship Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends a participating private school shall provide locations and times to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

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

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:

1. Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.

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

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

4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students determined to be eligible for a scholarship. An eligible nonprofit scholarship-funding organization may not submit a student for funding after February 10.

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

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

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

CODING: Words [ ] are deletions; words [ ] are additions.
8. Maintain on its website a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

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

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

11. Require quarterly reports by an organization, which must include, at a minimum, the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per student; the total expenditures for the purposes specified in paragraph (4)(b); the types of providers of services to students; the number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received; data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and the average number of days for a reimbursement to be approved; any parent input and student’s fee schedules, and any other information deemed necessary by the department.

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

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

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

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

(b) Provide to the organization all documentation required for a student’s participation, including confirmation of the student’s admission to the private school, the private school’s and student’s fee schedules, and any other information required by the organization to process scholarship payment under subparagraph (12)(a)4. Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section at least 30 days before any other approved providers.
Florida Senate - 2024  

PROPOSED BILL SPB 7048

581-02369C-24 20247048pb

Page 23 of 94

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

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

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

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

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

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

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

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

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

5. Require his or her student participating in the program to remain in attendance at the eligible private school throughout the school year unless excused by the school for illness or other good cause.

6. Meet with the eligible private school’s principal or the principal’s designee to review the school’s academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment.

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

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

9. Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the eligible private school before using scholarship reimbursement account funds for additional authorized uses under paragraph (4)(a). A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

Page 24 of 94

CODING: Words are deletions; words are additions.
10. Comply with the scholarship application and renewal processes and requirements established by the organization.

(b) A parent who applies for a scholarship applies for program participation under paragraph (3)(b) is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child and must:

1. Apply to an eligible nonprofit scholarship-funding organization to participate in the program by a date set by the organization. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request.

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

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

3. Sign an agreement with the organization and annually submit a sworn compliance statement to the organization to satisfy or maintain program eligibility, including eligibility to receive and spend program payments by:

a. Affirming that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(16) (b), (c), or (d).

b. Affirming that the program funds are used only for authorized purposes serving the student’s educational needs, as described in paragraph (4)(b); that any prepaid college plan or college savings plan funds contributed pursuant to subparagraph (4)(b)6. will not be transferred to another beneficiary while the plan contains funds contributed pursuant to this section; and that they will not receive a payment, refund, or rebate of any funds provided under this section.

c. 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:

(I) Requiring the student to take an assessment in accordance with paragraph (9)(c);

(II) Providing an annual evaluation in accordance with s. 1002.41(1)(f); or

(III) 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 Voluntary Prekindergarten Education Program provider. 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. A participating provider shall report a student’s scores to the parent.

d. Affirming that the student remains in good standing with the provider or school if those options are selected by the parent.

e. Enrolling his or her child in a program from a Voluntary Prekindergarten Education Program provider authorized under s. 1002.55, a school readiness provider authorized under s. 1002.88, a prekindergarten program offered by an eligible private school, or an eligible private school if either option is selected by the parent.
f. Comply with the scholarship application and renewal processes and requirements established by the organization.

Renewing participation in the program each year. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to subparagraph (5)(b)3. Notwithstanding any changes to the student’s IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child’s application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(e) other than high-risk status.

g. Procuring the services necessary to educate the student. If such services include enrollment in an eligible private school, the parent must meet with the private school’s principal or the principal’s designee to review the school’s academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. The parent must also approve each payment to the eligible private school before the scholarship funds may be deposited by funds transfer pursuant to subparagraph (12)(a)4. The parent may not designate any entity or individual associated with the eligible private school as the parent’s attorney in fact to approve a funds transfer. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education.

For purposes of ss. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an IEP or matrix level of services.

(c) A parent may not apply for multiple scholarships under this section and s. 1002.395 for an individual student at the same time.

(d) A participant who fails to comply with this subsection forfeits the scholarship.

(11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization awarding scholarships to eligible students pursuant to paragraph (3)(a) shall:

1. Establish a process for parents who are in compliance with paragraph (10)(a) to renew their students’ scholarships.

Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student’s renewal is contingent upon an eligible private school providing confirmation of student admission pursuant to subsection (9). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

2. Establish a process that allows a parent to apply for a new scholarship. The process may begin no earlier than February 1 of the prior school year and must authorize submission of applications until November 15. The process must be in a manner...
581-02369C-24 20247048pb

that creates a written or electronic record of the application request and the date of receipt of the application request. Applications received after the deadline may be considered for scholarship award in the subsequent fiscal year. The process must require that parents confirm that the scholarship is being accepted or declined by December 15. Must receive applications, determine student eligibility, notify parents in accordance with the requirements of this section, and provide the department with information on the student to enable the department to determine student funding in accordance with paragraph (12)(a).

3. Shali Verify the household income level of students seeking priority eligibility and submit the verified list of students and related documentation to the department when necessary.

4. Shali Award scholarships in priority order pursuant to paragraph (3)(a).

5. Shali Establish and maintain separate scholarship empowerment accounts for each eligible student. For each account, the organization must maintain a record of accrued interest that is retained in the student’s account and available only for authorized program expenditures.

6. Shali Permit eligible students to use program funds for the purposes specified in paragraph (4)(a) by paying for the authorized use directly, then submitting a reimbursement request to the eligible nonprofit scholarship-funding organization. However, an eligible nonprofit scholarship-funding organization may require the use of an online platform for direct purchases of products so long as such use does not limit a parent’s choice of curriculum or academic programs. If a parent purchases a product identical to one offered by an organization’s online platform for a lower price, the organization shall reimburse the parent the cost of the product.

6. May, from eligible contributions received pursuant to s. 1002.395(6)(11), use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An eligible nonprofit scholarship funding organization that has, for the prior fiscal year, complied with the expenditure requirements of s. 1002.395(6)(11), may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3 percent limit on the total amount an organization may use to administer scholarships under this chapter.

7. Shali In a timely manner, submit the verified list of students and any information requested by the department relating to the scholarship under this section.

8. Shali Notify the department about any violation of this section.

9. Shali Document each student’s eligibility for a fiscal year before granting a scholarship for that fiscal year. A student is ineligible for a scholarship if the student’s account has been inactive for 2 consecutive fiscal years.

10. Shali Notify each parent that participation in the scholarship program does not guarantee enrollment.

11. Shali Commit scholarship funds on behalf of the student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship empowerment account funds for additional authorized

Page 29 of 94

CODING: Words underlined are deletions; words underlined are additions.
(b) An eligible nonprofit scholarship-funding organization
awarding scholarships to eligible students pursuant to paragraph
(3)(b) shall:

1. Establish a process for parents who are in compliance
with paragraph (10)(b) to renew their students’ scholarships.
Renewal applications for the 2025-2026 school year and
thereafter must provide for a renewal timeline beginning
February 1 of the prior school year and ending April 30 of the
prior school year. A student’s renewal is contingent upon an
eligible private school providing confirmation of student
admission pursuant to subsection (9), if applicable. The process
must require that parents confirm that the scholarship is being
renewed or declined by May 31.

2. Establish a process that allows a parent to apply for a
new scholarship. The process may begin no earlier than February
1 of the prior school year and must authorize the submission of
applications until November 15. The process must be in a manner
that creates a written or electronic record of the application
request and the date of receipt of the application request.

Applications received after the deadline may be considered for
scholarship award in the subsequent fiscal year. The process
must require that parents confirm that the scholarship is being
accepted or declined by December 15.

1. Receive applications, determine student eligibility, and
notify parents in accordance with the requirements of this
section. When an application is approved, the organization must
provide the department with information on the student to enable
the department to determine student funding in accordance with

2. Establish a date by which a parent must confirm initial
or continuing participation in the program.

3. Review applications and award scholarships using the
following priorities:

a. For the 2021-2022 school year, a student who received a
Gardiner Scholarship in the 2020-2021 school year and meets the
eligibility requirements in paragraph (3)(b).

b. Renewing students from the previous school year.

c. Students retained on the previous school year’s wait
list.

A. An eligible student who meets the criteria for an
initial award pursuant to paragraph (3)(b) on a first-come,
first-served basis.

An approved student who does not receive a scholarship must be
placed on the wait list in the order in which his or her
application is approved. A student who does not receive a
scholarship within the fiscal year shall be retained on the wait
list for the subsequent fiscal year.

4. Establish and maintain separate accounts for each
eligible student. For each account, the organization must
maintain a record of accrued interest that is retained in the
student’s account and available only for authorized program
expenditures.

5. Verify qualifying educational expenditures pursuant to
the requirements of paragraph (4)(b).

6. Return any remaining program funds to the department
pursuant to paragraph (6)(b).
7. Notify the parent about the availability of, and the requirements associated with requesting, an initial IEP or IEP reevaluation every 3 years for each student participating in the program.

8. Notify the parent of available state and local services, including, but not limited to, services under chapter 413.

9. In a timely manner, submit to the department the verified list of eligible scholarship students and any information requested by the department relating to the scholarship under this section.

10. Notify the department of any violation of this section.

11. Document each scholarship student’s eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b). A student is ineligible for a scholarship if the student’s account has been inactive for 2 consecutive fiscal years.

(c) An eligible nonprofit scholarship-funding organization may, from eligible contributions received pursuant to s. 1002.395(6)(l)1., use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An organization that has, for the prior fiscal year, complied with the expenditure requirements of s. 1002.395(6)(l)3. may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3-percent limit on the total amount an organization may use to administer scholarships under this chapter.

(d) An eligible nonprofit scholarship-funding organization shall establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3)(a) may be funded once all scholarships have been funded in accordance with s. 1002.395(6)(l)2. The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3)(a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act. 2. A scholarship of $750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be awarded to an eligible student who is enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

3.a. For renewing scholarship students, the organization must provide the department with the documentation necessary to verify the student’s continued eligibility to participate in the scholarship program at least 30 days before each payment...
participation. Upon receiving the verified list of eligible scholarship students, the department shall release transfer, beginning August 1, from state funds only, the amount calculated pursuant to subparagraph (1) to the organization for deposit into the student’s account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

b. For new scholarship students, the organization must verify the student’s eligibility to participate in the scholarship program at least 30 days before each payment. Upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph (1) to the organization for deposit into the student’s account in quarterly payments no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount calculated pursuant to subparagraph (1) must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice.

c. The department is authorized to release the state funds contingent upon verification that the organization will comply with s. 1002.395(6)(l) based upon the organization’s submitted verified list of eligible scholarship students pursuant to s. 1002.395. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph (5) must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student’s participation, including the private school’s and the student’s fee schedule, at least 30 days before the first quarterly scholarship payment is made for the student.

4. The initial payment shall be made after the organization’s verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the participating private school. Payments for tuition and fees for full-time enrollment shall be made within 7 business days after approval by the parent pursuant to paragraph (10)(a) and the private school pursuant to paragraph (9)(b). Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.

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

(b)1. For the 2023-2024 school year, the maximum number of students participating in the scholarship program under paragraph (3)(b) shall be the number of students the organization and the department determined eligible pursuant to this section. Beginning in the 2024-2025 school year, the

CODING: Words are deletions; words underlined are additions.
maximum number of scholarships funded students participating in the scholarship program under paragraph (3)(b) shall annually increase by 5.0 percent of the state’s total exceptional student education full-time equivalent student membership, not including gifted students. The maximum number of scholarships funded shall increase by 1.0 percent of the state’s total exceptional student education full-time equivalent student membership, not including gifted students, in the school year following any school year in which the number of scholarships funded exceeds 95 percent of the number of available scholarships for that school year. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind.

For purposes of this subparagraph, the term “prior school year in attendance” means that the student was enrolled and reported by:

(1) A school district for funding during either the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds available per unweighted full-time equivalent student in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d), plus a per full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established in s. 1011.62(8), the funds must be allocated based on the school district’s average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon...
For a student who received a Gardiner Scholarship pursuant to former s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to former s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. The organization must provide the department with the documentation necessary to verify the student’s eligibility to participate in the scholarship program at least 30 days before each payment.

7. (a) For renewing scholarship students, upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student’s account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

(b) For new scholarship students, upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student’s account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

8. If a scholarship student is attending an eligible private school full time, the initial payment shall be made after the organization’s verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the eligible private school. Payments for tuition and fees for full-time enrollment shall be made within 7 business days after approval by the parent pursuant to paragraph (10)(b) and the private school pursuant to paragraph (9)(b).

9. Accrued interest in the student’s account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

10. The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student’s scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

11. An organization may not transfer any funds to an
Participate in 10 hours of work at the student’s volunteer or paid work experience.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student’s parent, the student, and the school principal must sign the personalized plan. The personalized plan must be submitted to the Office of Independent Education and Parental Choice upon request by the office.

4. Provide a release of liability form that must be signed by the student’s parent, the student, and a representative of the business offering the volunteer or paid work experience.

5. Assign a case manager or job coach to visit the student’s job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.

6. Provide to the parent and student a quarterly report that documents and explains the student’s progress and performance in the program.

7. Maintain accurate attendance and performance records for the student.

(b) A student enrolled in a transition-to-work program must, at a minimum:

1. Receive 15 instructional hours at the participating private school’s physical facility, which must include academic instruction and work skills training.

2. Participate in 10 hours of work at the student’s volunteer or paid work experience.
(c) To participate in a transition-to-work program, a business must:
1. Maintain an accurate record of the student’s performance and hours worked and provide the information to the participating private school.
2. Comply with all state and federal child labor laws.

Section 4. Paragraph (c) of subsection (1), paragraphs (b) and (f) of subsection (2), subsection (3), paragraphs (a) and (c) of subsection (4), paragraphs (c) through (i) and (l), (p), (q), (t), and (w) of subsection (6), subsections (7) and (8), paragraphs (d), (e), (f), and (i) of subsection (9), paragraphs (b) of subsection (10), paragraphs (c), (f), and (h) of subsection (11), and subsection (15) of section 1002.395, Florida Statutes, are amended, paragraph (y) is added to subsection (6), and paragraph (i) is added to subsection (11) of that section, to read:

1002.395 Florida Tax Credit Scholarship Program.—
(1) FINDINGS AND PURPOSE.—
(c) The purpose of this section is not to prescribe the standards or curriculum for participating private schools. A participating private school retains the authority to determine its own standards and curriculum.
(2) DEFINITIONS.—As used in this section, the term:
(b) “Choice navigator” means an individual who meets the requirements of sub-subparagraph (6)(d)(4)(b), and who provides consultations, at a mutually agreed upon location, on the selection of, application for, and enrollment in educational options addressing the academic needs of a student; curriculum selection; and advice on career and postsecondary education opportunities. However, nothing in this section authorizes a choice navigator to oversee or exercise control over the curricula or academic programs of a personalized education program.
(f) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization pursuant to this section and ss. 212.099, 212.1831, and 212.1832, and 1002.20. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution.
(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—
(a) The Florida Tax Credit Scholarship Program is established.
(b)1. A student is eligible for a Florida tax credit scholarship under this section if the student:
(a) Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida; and
(b) Is eligible to enroll in kindergarten through grade 12 in a public school in this state or received a scholarship under the Hope Scholarship Program in the 2023-2024 school year.
2. Priority must be given in the following order:
(a) A student whose household income level does not exceed 185 percent of the federal poverty level or who is in foster care or out-of-home care.
(b) A student whose household income level exceeds 185...
The number of scholarships funded for such students may increase by 40,000 in each subsequent school year. 4.

From the school to which the student was assigned or to a lab school as defined in s. 1002.32.

This subparagraph is repealed July 1, 2027.

2. Shall establish a process for parents who are in compliance with paragraph (7)(a) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of admission pursuant to subsection (8). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

3. Shall establish a process that allows a parent to apply for a new scholarship. The process must be in a manner that creates a written or electronic record of the application request and the date of receipt of the application request. The process must require that parents confirm that the scholarship is being accepted or declined by a date set by the organization.

4.2. Must establish and maintain separate scholarship accounts from eligible contributions for each eligible student. For each account, the organization must maintain a record of accrued interest retained in the student’s account. The organization must verify that scholarship funds are used for:

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

b. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.
c. Instructional materials, including digital materials and Internet resources. Equipment used as instructional materials may only be purchased for subjects in language arts and reading, mathematics, social studies, and science.

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

e. Tuition and fees associated with full-time or part-time enrollment in a home education instructional program; an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the Department of Education pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved program offered pursuant to s. 1003.499 or s. 1004.0961.

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

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

h. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator’s certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor’s degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the Department of Education. As used in this paragraph, the term “part-time tutoring services” does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

(e) For students determined eligible pursuant to paragraph (7)(b), must:

1. Establish a process for parents who are in compliance with subparagraph (7)(b)1. to apply for a new scholarship. New scholarship applications for the 2025-2026 school year and thereafter must provide for an application timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm that the scholarship is being accepted or declined by May 31.

2. Establish a process for parents who are in compliance with paragraph (7)(b) to renew their students’ scholarships. Renewal scholarship applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm...
(h) Each eligible nonprofit scholarship-funding organization must refer any student eligible for a scholarship pursuant to this section who did not receive a renewal or initial scholarship based solely on the lack of available funds under this section and s. 1003.30(11)(l) to another eligible nonprofit scholarship-funding organization that may have funds available.

(i) May not restrict or reserve scholarships for use at a particular eligible private school or provide scholarships to a child of an owner or operator as defined in subparagraph (2)(k).

(l) May use eligible contributions received pursuant to this section and ss. 212.099, 212.1831, and 212.1832 during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (o) or is in good standing in each state in which it administers a scholarship program and the audited financial statements for the preceding 3 fiscal years are free of material misstatements and going concern issues. Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships funded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization’s management and distribution of scholarships funded under this chapter. Administrative expenses may include developing or contracting with rideshare programs or facilitating carpooling.

Page 50 of 94
2. Must expend for annual or partial-year scholarships 100 percent of any eligible contributions from the prior fiscal year.

3. Must expend for annual or partial-year scholarships an amount equal to or greater than 75 percent of all estimated net eligible contributions, as defined in subsection (2), and all funds carried forward from the prior state fiscal year remaining after administrative expenses during the state fiscal year in which such eligible contributions are collected before funding any scholarships to students determined eligible pursuant to s. 1002.38(3)(a). No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. No later than September 30 of each year, net Eligible contributions remaining after funding any scholarships to students determined eligible pursuant to s. 1002.38(3)(a) may be used for expenses related to the recruitment of eligible non-profit scholarship-funding organizations that are separately disclosed in the annual financial audit required under paragraph (o).

4. Must, before granting a scholarship for an academic year, document each scholarship student’s eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process.

(p) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(i). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner the verified list of eligible scholarship students and any information requested by the Department of Education relating to the scholarship program.

(q)1.a. Must participate in the joint development of agreed-upon procedures during the 2009-2010 state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under s. 1002.21; has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the following state fiscal year, no later than September 30 of each year, net Eligible contributions remaining after funding any scholarships to students determined eligible pursuant to s. 1002.38(3)(a) may be used for expenses related to the recruitment of eligible non-profit scholarship-funding organizations that are separately disclosed in the annual financial audit required under paragraph (o).
development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant’s performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium, if the scholarship-funding organization provided more than $250,000 in scholarship funds under this chapter during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures and guidelines shall take effect the subsequent school year.

c. Must monitor the compliance of a participating private school with s. 1002.421(1)(q) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each participating private school subject to s. 1002.421(1)(q), the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30 of:

(I) A private school’s failure to submit a report required under s. 1002.421(1)(q); or

(II) Any material exceptions set forth in the report required under s. 1002.421(1)(q).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic

Page 53 of 94

CODING: Words **stripped** are deletions; words **underlined** are additions.
Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(a) A parent who applies for a scholarship whose student will be enrolled full time in an eligible private school must:

1. Select an eligible private school and apply for the admission of his or her child.

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

3. a. Beginning with new applications for the 2025-2026 school year and thereafter, notify the organization by a date set by the organization that the scholarship is being accepted or declined.

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

4. a. Inform the applicable school district when the parent withdraws his or her student from a public school

   b. Require his or her student participating in the program to remain in attendance at the eligible private school throughout the school year unless excused by the school for illness or other good cause and comply with the private school’s published policies.

Meet with the eligible private school’s principal or the principal’s designee to review the school’s academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment in the private school.

Require his or her student participating in the program to take the norm-referenced assessment offered by the participating private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the scholarship program take statewide assessments pursuant to s. 1008.22 and the participating private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent’s attorney in fact to approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

Authorize the nonprofit scholarship-funding organization to access information needed for income eligibility determination and verification held by other state or federal agencies, including the Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Commerce Economic Opportunity, and the Agency for Health Care Administration, for students seeking priority.
elibility.

1624 10. 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 participating private school before using scholarship empowerment account funds for additional authorized uses under paragraph (6)(d). A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

1625 11. Comply with the scholarship application and renewal processes and requirements established by the organization.

(b) A parent whose student will not be enrolled full time in a public or private school must:

1. Apply to an eligible nonprofit scholarship-funding organization to participate in the program as a personalized education student by a date set by the organization. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request. Beginning with new and renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being accepted, renewed, or declined.

2. Sign an agreement with the organization and annually submit a sworn compliance statement to the organization to satisfy or maintain program eligibility, including eligibility to receive and spend program payments, by:

a. Affirming that the program funds are used only for authorized purposes serving the student’s educational needs, as described in paragraph (6)(d), and that they will not receive a payment, refund, or rebate of any funds provided under this section.

b. 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.

c. Submitting a student learning plan to the organization and revising the plan at least annually before program renewal.

d. Requiring his or her student to take a nationally norm-referenced test identified by the Department of Education, or a statewide assessment under s. 1008.22, and provide assessment results to the organization before the student’s program renewal.

e. Complying with the scholarship application and renewal processes and requirements established by the organization.

f. 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.

(c) A parent may not apply for multiple scholarships under this section and s. 1002.394 for an individual student at the same time.

An eligible nonprofit scholarship-funding organization may not further regulate, exercise control over, or require documentation beyond the requirements of this subsection unless...
(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization all documentation required for a student’s participation, including confirmation of the student’s admission to the private school, the private school’s and student’s fee schedules, and any other information required by the organization to process scholarship payment pursuant to paragraph (11)(c). Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the deadline.

(c) Annually administer or make provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student’s scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to a state university described in paragraph (9)(f).

2. Administer the statewide assessments pursuant to s. 1008.22 if a participating private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the participating private school in grades 3 through 10 and must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

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

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(d) Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students; cross-check the verified list of participating scholarship students with the public school enrollment lists to avoid duplication; and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.

(e) Maintain and annually publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c). The tests must meet industry standards of quality in accordance with State Board of Education rule.
(f) Issue a project grant award to a state university, to which participating private schools and eligible nonprofit scholarship-funding organizations must report the scores of participating students on the nationally norm-referenced tests or the statewide assessments administered in grades 3 through 10. The project term is 2 years, and the amount of the project is up to $250,000 per year. The project grant award must be reissued in 2-year intervals in accordance with this paragraph.

1. The state university must annually report to the Department of Education on the student performance of participating students and, beginning with the 2027-2028 school year, on the performance of personalized education students:
   a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To minimize costs and reduce time required for the state university's analysis and evaluation, the Department of Education shall coordinate with the state university to provide data to the state university in order to conduct analyses of matched students from public school assessment data and calculate control group student performance using an agreed-upon methodology with the state university; and
   b. On an individual school basis for students enrolled full time in a private school. The annual report must include student performance for each participating private school in which enrolled students in the private school participated in a scholarship program under this section or s. 1002.394(12)(a).

2. The sharing and reporting of student performance data under this paragraph must be in accordance with requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual participating schools, except as required under subparagraph 1.b., or disclose the academic level of individual students.

3. The annual report required by subparagraph 1. shall be published by the Department of Education on its website.

(i) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of
5. Provision of any required assistance, monitoring, or investigation at a participating private school.

(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(b) Upon the request of the Department of Education, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

1. Provision of training for participating private school staff on test security and assessment administration procedures;
2. Distribution of testing materials to a participating private school;
3. Retrieval of testing materials from a participating private school;
4. Provision of the required format for a participating private school to submit information to the district for test administration and enrollment purposes; and
5. Provision of any required assistance, monitoring, or investigation at a participating private school.

(c) If a scholarship student is attending an eligible private school full time, the initial payment shall be made after the organization’s verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the eligible private school. Payments shall be made within 7 business days after approval by the parent pursuant to paragraph (7)(a) and the private school pursuant to paragraph (8)(b). An eligible nonprofit scholarship funding organization shall obtain verification from the private school of a student’s continued attendance at the school for each period covered by a scholarship payment.

(f) A scholarship awarded to an eligible student shall remain in force until:
1. The organization determines that the student is not eligible for program renewal;
2. The Commissioner of Education suspends or revokes program participation or use of funds;
3. The student’s parent has forfeited participation in the program for failure to comply with subsection (7);
4. The student who uses the scholarship for full-time tuition and fees at an eligible private school pursuant to subparagraph (6)(d)2. enrolls full time in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or
5. The student graduates from high school or attains 21
(a) A student’s scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student’s parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to paragraph (6)(d); or

2. Two consecutive fiscal years in which an account has been inactive; or

3. The student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment.

(i) Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

(15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;

APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice. The office shall provide at least two application periods in which Charitable organizations may apply at any time to participate in the program.

(a) An application for initial approval must include:

1. A copy of the organization’s incorporation documents and registration with the Division of Corporations of the Department of State.
(b) In addition to the information required by subparagraphs (a)1.–9., an application for renewal must include:

1. A surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph (6)(o). The amount of the surety bond or letter of credit must be at least $100,000, but not more than $25 million. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

2. The organization’s completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the department’s application deadline.

3. A copy of the statutorily required audit to the Department of Education and Auditor General.

4. An annual report that includes:
   a. The number of students who completed applications, by county and by grade.
   b. The number of students who were approved for scholarships, by county and by grade.
   c. The number of students who received funding for scholarships within each funding category, by county and by grade.
   d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.
   e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(l).
   (c) In consultation with the Department of Revenue and the Chief Financial Officer, the Office of Independent Education and Parental Choice shall review the application. The Department of Education shall notify the organization in writing of any deficiencies within 30 days after receipt of the application and allow the organization 30 days to correct any deficiencies.
   (d) Within 30 days after receipt of the finalized application by the Office of Independent Education and Parental Choice, the Commissioner of Education shall recommend approval or disapproval of the application to the State Board of Education. The State Board of Education shall consider the application and recommendation at the next scheduled meeting, adhering to appropriate meeting notice requirements. If the application is disapproved, the organization’s application, it shall provide the organization with a written explanation of that determination. The State Board of Education’s action is not subject to chapter 120.
   (e) If the State Board of Education disapproves the renewal of a nonprofit scholarship-funding organization, the organization must notify the affected eligible students and parents of the decision within 15 days after disapproval. An eligible student affected by the disapproval of an
organization's participation remains eligible under this section until the end of the school year in which the organization was disapproved. The student must apply and be accepted by another eligible nonprofit scholarship-funding organization for the upcoming school year. The student shall be given priority in accordance with paragraph (6)(g).

(f) All remaining funds held by a nonprofit scholarship-funding organization that is disapproved for participation must be transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under subsection (6).

(g) A nonprofit scholarship-funding organization is a renewing organization if it maintains continuous approval and participation in the program. An organization that chooses not to participate for 1 year or more or is disapproved to participate for 1 year or more must submit an application for initial approval in order to participate in the program again.

(h) The State Board of Education shall adopt rules providing guidelines for receiving, reviewing, and approving applications for new and renewing nonprofit scholarship-funding organizations. The rules must include a process for compiling input and recommendations from the Chief Financial Officer, the Department of Revenue, and the Department of Education. The rules must also require that the nonprofit scholarship-funding organization make a brief presentation to assist the State Board of Education in its decision.

(i) A state university; or an independent college or university which is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, is exempt from the initial or renewal application process, but must file a registration notice with the Department of Education to be an eligible nonprofit scholarship-funding organization. The State Board of Education shall adopt rules that identify the procedure for filing the registration notice with the department. The rules must identify appropriate reporting requirements for fiscal, programmatic, and performance accountability purposes consistent with this section, but shall not exceed the requirements for eligible nonprofit scholarship-funding organizations for charitable organizations.

Section 5. Section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (3) an opportunity to transfer the student to another public school or to request a scholarship for the student to enroll in and attend an eligible private school.

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

(a) "Dealer" has the same meaning as provided in s. 212.06.
(b) "Department" means the Department of Education.

d) "Designated agent" has the same meaning as provided in s. 213.0641.

(d) "Eligible contribution" or "contribution" means a monetary contribution from a person purchasing a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship funding organization. The person making the contribution may not designate a specific student as the beneficiary of the contribution.

e) "Eligible nonprofit scholarship funding organization" or "organization" has the same meaning as provided in s. 1002.395(2).

(f) "Eligible private school" has the same meaning as provided in s. 1001.395(2).

(g) "Motor vehicle" has the same meaning as provided in s. 320.011(1), but does not include a heavy truck, truck tractor, trailer, or motorcycle.

(a) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose student reported an incident in accordance with subsection (4).

(b) "Program" means the Hope Scholarship Program.

(c) "School" means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

(d) "Unweighted FTE funding amount" means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act, or by a subsequent special appropriations act, for the applicable state fiscal year.

(3) PROGRAM ELIGIBILITY. Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis. A student enrolled in a Florida public school in kindergarten through grade 12 is eligible for the educational options described in subsection (4) if the student reported an incident in accordance with that subsection. For purposes of this section, the term "incident" means battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school, as defined by the department in accordance with s. 1006.09(6).

(4) PROGRAM PROHIBITIONS. Payment of a scholarship to a student enrolled in a private school may not be made if a student is

(a) 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 authorized under s. 1002.33; or a charter school authorized under s. 1002.33, s. 1002.333, or s. 1002.332.

(b) Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs.

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or
(4) Receiving any other educational scholarship pursuant to this chapter.

(5) TERM OF HOPE SCHOLARSHIP. For purposes of continuity of educational choice, a Hope scholarship shall remain in force until the student returns to public school or graduates from high school, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship’s term.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(1) Upon receipt of a report of an incident, the school principal, or his or her designee, shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by s. 1006.09(6).

Within 24 hours after receipt of the report, the principal or his or her designee shall provide a copy of the report to the parent of the alleged offender and to the superintendent. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district shall notify the parent of the program, and offer the parent an opportunity to enroll his or her student in another public school that has capacity, and notify the parent of their eligibility or apply for request and receive a scholarship to attend an eligible private school under ss. 1002.394 and 1002.395 subject to available funding. A parent who chooses to enroll his or her student in a public school located outside the district in which the student resides pursuant to s. 1002.33 shall be eligible for a scholarship to transport the student as provided in paragraph (11)(b).

(2) If a private school fails to meet the requirements of this chapter, a private school that has capacity may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to this section and s. 1002.421.

(b) Annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22.

Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating school district shall report a student’s scores to his or her parent.

(c) Administer the statewide assessments pursuant to s. 1008.22 if a private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10 and must submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

If a private school fails to meet the requirements of this section, the week in which the student returns to public school, or the student graduates from public school, whichever occurs first. The scholarships shall be eligible for a scholarship to transport the student as provided in paragraph (11)(b).
1. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school from which 10 or more students transferred to another public school or private school using the Hope scholarship to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement. At a minimum, the review must include:

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) An assessment of the investigation time and quality of the response of the school and the school district.

(c) An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel.

(d) The challenges and obstacles relating to implementing recommendations from the review.

2. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school to which a student transferred if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges to or obstacles in addressing the incident or relating to the use of the scholarship.

5. Contract with an independent entity to provide an annual evaluation of the program by:

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) An assessment of the investigation time and quality of the response of the school and the school district.

(c) An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel.

(d) The challenges and obstacles relating to implementing recommendations from the review.

2. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school to which a student transferred if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges to or obstacles in addressing the incident or relating to the use of the scholarship.

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) An assessment of the investigation time and quality of the response of the school and the school district.

(c) An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel.

(d) The challenges and obstacles relating to implementing recommendations from the review.

2. Reviewing the school bullying prevention education program, climate, and code of student conduct of each public school to which a student transferred if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges to or obstacles in addressing the incident or relating to the use of the scholarship.

(a) The parent must select an eligible private school and apply for the admission of his or her student.
(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.

(c) Any student participating in the program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with such school's published policies.

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.

(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of such school. If payment is made by funds transfer in accordance with paragraph (11)(e), the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the

---

CODING: Words **stricken** are deletions; words **underlined** are additions.
(h) The maximum amount awarded to a student enrolled in a public school located outside of the district in which the student resides shall be $750.

(c) When a student enters the program, the eligible nonprofit scholarship-funding organization must receive all documentation required for the student's participation, including a copy of the report of the incident received pursuant to subsection (c) and the private school's and student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be by individual warrant made payable to the student's parent or by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payments are made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer.

(e) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) An eligible nonprofit scholarship-funding organization, subject to the limitations of s. 1002.395(6)(i), may use eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses.

(h) Money received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) Notwithstanding s. 1002.395(6)(i), no more than 5 percent of net eligible contributions may be carried forward to the following state fiscal year by an eligible scholarship-funding organization. For audit purposes, all amounts carried forward must be specifically identified for individual students by student name and by the name of the school to which such contributions are collected. Any amounts carried forward shall be expended for annual scholarships or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year which are in excess of the 5 percent that may be carried forward shall be transferred to other eligible nonprofit scholarship-funding organizations participating in the Hope Scholarship Program to provide scholarships for eligible students.
transferred funds must be deposited by each eligible nonprofit scholarship funding organization receiving such funds into the scholarship account of eligible students. All transferred amounts received by an eligible nonprofit scholarship funding organization must be separately disclosed in the annual financial audit report required under s. 1002.395(6)(a). If no other eligible nonprofit scholarship funding organization participates in the Hope Scholarship Program, net eligible contributions in excess of the 5 percent may be used to fund scholarships for students eligible under s. 1002.395 only after fully exhausting all contributions made in support of scholarships for students eligible under s. 1002.395 only after fully exhausting section in accordance with the priority established in s. 1002.395(6)(f) before awarding any initial scholarships.

(12) OBLIGATIONS OF THE AUDITOR GENERAL.

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students received and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this paragraph within 30 days after the audit is finalized.

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

(13) SCHOLARSHIP-FUNDING TAX CREDITS.

(a) A tax credit is available under s. 212.1832(1) for use by a person that makes an eligible contribution. Eligible contributions shall be used to fund scholarships under this section and may be used to fund scholarships under s. 1002.395.

Each eligible contribution is limited to a single payment of $105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of $105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer, except that a contribution may not exceed the state tax imposed under chapter 212 that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. Payments of contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, the following brief description of the Hope Scholarship Program and the Florida Tax Credit Scholarship Program: "THE HOPE SCHOLARSHIP PROGRAM PROVIDES A PUBLIC SCHOOL STUDENT WHO WAS SUBJECT TO AN INCIDENT OF VIOLENCE OR BULLYING AT SCHOOL THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL RATHER THAN REMAIN IN AN UNSAFE SCHOOL. ENVIRONMENT. THE FLORIDA TAX CREDIT SCHOLARSHIP PROGRAM PROVIDES A LOW-INCOME STUDENT THE OPPORTUNITY TO APPLY FOR A SCHOLARSHIP TO ATTEND AN ELIGIBLE PRIVATE SCHOOL." The form shall also include, at a minimum, a section allowing the consumer to designate, from all participating scholarship funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.
(d) A dealer, designated agent, or private tag agent shall:

1. Provide the purchaser the contribution election form, as provided by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

3. Using a form provided by the Department of Revenue, which shall include the dealer’s or agent’s federal employer identification number, remit to an organization no later than the date the return filed pursuant to s. 212.11 is due the total amount of contributions made to that organization and collected during the preceding reporting period. Using the same form, the dealer or agent shall also report this information to the Department of Revenue no later than the date the return filed pursuant to s. 212.11 is due.

4. Report to the Department of Revenue on each return filed pursuant to s. 212.11 the total amount of credits granted under s. 775.082, s. 775.083, or s. 775.084.

(a) An organization shall report to the Department of Revenue, on or before the 30th day of each month, the total amount of contributions received pursuant to paragraph (b) in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include:

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

2. The amount of contributions received from each designated agent, private tag agent, or dealer during that reporting period.
(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01 in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(i) Maintain a physical location in the state at which each student has regular and direct contact with teachers. Regular and direct contact with teachers may be satisfied for students enrolled in a personalized education program if students have regular and direct contact with teachers at the physical location at least two school days per week and the student learning plan addresses the remaining instructional time.

(15) SCOPES OF AUTHORITY. This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(5) RULES.—The State Board of Education shall adopt rules to administer this section, except the Department of Revenue shall adopt rules to administer subsection (13).

Section 6. Paragraph (i) of subsection (1) of section 1002.421, Florida Statutes, is amended to read:

1002.421 State school choice scholarship program

accountability and oversight.—
(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs. To be approved, a virtual instruction program provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;
2. Complies with the antidiscrimination provisions of s. 1000.05;
3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;
4. Electronically provides to parents and students specific information that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:
   a. How to contact the instructor via phone, e-mail, or online messaging tools.
   b. How to contact technical support via phone, e-mail, or online messaging tools.
   c. How to contact the administrative office via phone, e-mail, or online messaging tools.
   d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.
   e. The requirement that the instructor in each course must,

(c) Mechanisms that determine and ensure that a student has
satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

7. Publishes, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as an approved virtual instruction program provider and in all contracts negotiated pursuant to this section:
   a. Information and data about the curriculum of each full-time and part-time virtual instruction program.
   b. School policies and procedures.
   c. Certification status and physical location of all administrative and instructional personnel.
   d. Hours and times of availability of instructional personnel.
   e. Student-teacher ratios.
   f. Student completion and promotion rates.
   g. Student, educator, and school performance accountability outcomes.

8. If the approved virtual instruction program provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

9. Performs an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit in accordance with rules adopted by the Auditor General and in compliance with generally accepted auditing standards, and include a report on financial statements presented in accordance with generally accepted accounting principles. The audit report shall be accompanied by a written statement from the approved virtual instruction program provider in response to any deficiencies identified within the audit report and shall be submitted by the approved virtual instruction program provider to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year.

Section 8. Paragraph (c) of subsection (1) of section 1003.4156, Florida Statutes, is amended to read:

10. General requirements for middle grades promotion.—

   (1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

   (c) Three middle grades or higher courses in social studies. One of these courses must be at least a one-semester civics education course that includes the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States. All instructional materials for the civics education course must be reviewed and approved by the Commissioner of Education, in consultation with organizations that may include, but are not limited to, the Florida Joint Center for Citizenship, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, iCivics, and the Constitutional Sources Project, and with educators, school administrators,
postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Any errors and inaccuracies the commissioner identifies in state-adopted materials must be corrected pursuant to s. 1006.35.

By consulting with such entities and individuals, the commissioner shall review the current state-approved civics education course instructional materials and the test specifications for the statewide, standardized EOC assessment in civics education and shall make recommendations for improvements to the materials and test specifications by December 31, 2019.

By December 31, 2020, the department shall complete a review of the statewide civics education course standards. Each student’s performance on the statewide, standardized EOC assessment in civics education required under s. 1008.22 constitutes 30 percent of the student’s final course grade. A middle grades student who transfers into the state’s public school system from out of country, out of state, a private school, a personalized education program, or a home education program after the beginning of the second term of grade 8 is not required to meet the civics education requirement for promotion from the middle grades if the student’s transcript documents passage of three courses in social studies or two year-long courses in social studies that include coverage of civics education. Section 9. Subsection (6) of section 1003.4282, Florida Statutes, is amended to read:

1003.4282 Requirements for a standard high school diploma.—
(6) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, a personalized education program, or a home education program and the student’s transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq. If a student’s transcript shows a credit in high school reading or English Language Arts II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score. If a transfer student’s transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student’s final course grade.

Section 10. Paragraph (1) of subsection (4) of section 1003.485, Florida Statutes, is amended to read:

1003.485 The New Worlds Reading Initiative.—
(4) ADMINISTRATOR RESPONSIBILITIES.—The administrator shall:
(1) Expend eligible contributions received only for the purchase and delivery of books and to implement the requirements of this section, as well as for administrative expenses not to
Section 11. Effective upon this act becoming a law, paragraph (e) is added to subsection (5) of section 1004.6495, Florida Statutes, to read:

1004.6495 Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities.—
(5) CENTER RESPONSIBILITIES.—The Florida Center for Students with Unique Abilities is established within the University of Central Florida. At a minimum, the center shall:

   (e) By July 1, 2024, develop the purchasing guidelines for authorized uses of scholarship funds for the Family Empowerment Scholarship Program under s. 1002.394(4)(b) and by each July 1 thereafter, revise such guidelines. The center must consult with parents of a student with a disability participating in the scholarship program in the development and revision of the guidelines and must provide the guidelines to each eligible nonprofit scholarship-funding organization that awards scholarships to a student eligible for the scholarship program under s. 1002.394(3)(b) for publishing on each organization’s website.
STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

I, Cord Byrd, Secretary of State, do hereby certify that

Kelly Garcia

is duly appointed a member of the

State Board of Education

for a term beginning on the Twenty-Fourth day of March, A.D., 2023, until the Thirty-First day of December, A.D., 2025 and is subject to be confirmed by the Senate during the next regular session of the Legislature.

Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of November, A.D., 2023.

[Signature]
Secretary of State

DSDE 99 (3/03)
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,

[Signature]
Ron DeSantis
Governor

RD/na
OATH OF OFFICE
(Art. II. § 5(b), Fla. Const.)

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.]

Signature

K. Garcia

Sworn to and subscribed before me by means of ☑ physical presence or ☐ online notarization, this 16 day of April, 2023.

Signature of Officer Administering Oath or of Notary Public

[Stamp or Print]

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

U.S. Treasure Dr.

Tampa, FL 33609

City, State, Zip Code

Signature

Kelly Garcia

Print Name

K. Garcia

DS-DE 56 (Rev. 02/20)