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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2023	.	
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	.	

The Committee on Appropriations (Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (1) of subsection (2) of section
11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(1) At least once every 3 years, conduct operational audits
of the accounts and records of eligible nonprofit scholarship-



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11 funding organizations receiving eligible contributions under s.
12 1002.395, including any contracts for services with related
13 entities, to determine compliance with the provisions of that
14 section. Such audits shall include, but not be limited to, a
15 determination of the eligible nonprofit scholarship-funding
16 organization's compliance with s. 1002.395(6)(1) ~~s.~~
17 ~~1002.395(6)(j)~~. The Auditor General shall provide its report on
18 the results of the audits to the Governor, the President of the
19 Senate, the Speaker of the House of Representatives, the Chief
20 Financial Officer, and the Legislative Auditing Committee,
21 within 30 days of completion of the audit.

22
23 The Auditor General shall perform his or her duties
24 independently but under the general policies established by the
25 Legislative Auditing Committee. This subsection does not limit
26 the Auditor General's discretionary authority to conduct other
27 audits or engagements of governmental entities as authorized in
28 subsection (3).

29 Section 2. Paragraph (c) of subsection (1) and paragraph
30 (c) of subsection (7) of section 212.099, Florida Statutes, are
31 amended to read:

32 212.099 Credit for contributions to eligible nonprofit
33 scholarship-funding organizations.—

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

35 (c) "Eligible nonprofit scholarship-funding organization"
36 or "organization" has the same meaning as provided in s.
37 1002.395(2) ~~s. 1002.395(2)(f)~~.

38 (7)

39 (c) The organization may, subject to the limitations of s.



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40 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use eligible contributions
41 received during the state fiscal year in which such
42 contributions are collected for administrative expenses.

43 Section 3. Paragraph (c) of subsection (1) of section
44 327.371, Florida Statutes, is amended to read:

45 327.371 Human-powered vessels regulated.—

46 (1) A person may operate a human-powered vessel within the
47 boundaries of the marked channel of the Florida Intracoastal
48 Waterway as defined in s. 327.02:

49 (c) When participating in practices or competitions for
50 interscholastic, intercollegiate, intramural, or club rowing
51 teams affiliated with an educational institution identified in
52 s. 1000.21, s. 1002.01(3) ~~s. 1002.01(2)~~, s. 1003.01(2), s.
53 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of
54 the marked channel is not suitable for such practice or
55 competition. The teams must use their best efforts to make use
56 of the adjacent area outside of the marked channel. The
57 commission must be notified in writing of the details of any
58 such competition, and the notification must include, but need
59 not be limited to, the date, time, and location of the
60 competition.

61 Section 4. Section 1002.01, Florida Statutes, is amended to
62 read:

63 1002.01 Definitions.—

64 (1) A "home education program" means the sequentially
65 progressive instruction of a student directed by his or her
66 parent ~~in order~~ to satisfy the attendance requirements of ss.
67 1002.41, 1003.01(13), and 1003.21(1).

68 (2) A "personalized education program" means the



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69 sequentially progressive instruction of a student directed by
70 his or her parent to satisfy the attendance requirements of ss.
71 1003.01(13) and 1003.21(1) while registered with an eligible
72 nonprofit scholarship-funding organization pursuant to s.
73 1002.395. A personalized education student shall be provided the
74 same flexibility and opportunities as provided in s. 1002.41(3)-
75 (12).

76 (3)~~(2)~~ A "private school" is a nonpublic school defined as
77 an individual, association, copartnership, or corporation, or
78 department, division, or section of such organizations, that
79 designates itself as an educational center that includes
80 kindergarten or a higher grade or as an elementary, secondary,
81 business, technical, or trade school below college level or any
82 organization that provides instructional services that meet the
83 intent of s. 1003.01(13) or that gives preemployment or
84 supplementary training in technology or in fields of trade or
85 industry or that offers academic, literary, or career training
86 below college level, or any combination of the above, including
87 an institution that performs the functions of the above schools
88 through correspondence or extension, except those licensed under
89 the provisions of chapter 1005. A private school may be a
90 parochial, religious, denominational, for-profit, or nonprofit
91 school. This definition does not include home education programs
92 conducted in accordance with s. 1002.41.

93 Section 5. Present paragraphs (b) through (m) of subsection
94 (2) of section 1002.394, Florida Statutes, are redesignated as
95 paragraphs (c) through (n), respectively, a new paragraph (b) is
96 added to subsection (2), paragraph (c) is added to subsection
97 (8), and paragraph (d) is added to subsection (9) of that



98 section, and present paragraphs (e), (f), and (g) of subsection
99 (2), paragraph (a) of subsection (3), subsection (4), paragraph
100 (a) of subsection (5), paragraph (f) of subsection (6),
101 paragraphs (b), (d), (f), and (g) of subsection (7), paragraph
102 (a) of subsection (8), paragraphs (a) and (b) of subsection
103 (10), paragraph (a) of subsection (11), and subsection (12) are
104 amended, to read:

105 1002.394 The Family Empowerment Scholarship Program.—

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

107 (b) "Choice navigator" has the same meaning as in s.

108 1002.395(2).

109 (f)~~(e)~~ "Eligible nonprofit scholarship-funding
110 organization" or "organization" has the same meaning as ~~provided~~
111 in s. 1002.395(2) ~~s. 1002.395(2)(f)~~.

112 (g)~~(f)~~ "Eligible postsecondary educational institution"
113 means a Florida College System institution; a state university;
114 a school district technical center; a school district adult
115 general education center; an independent college or university
116 that is eligible to participate in the William L. Boyd, IV,
117 Effective Access to Student Education Grant Program under s.
118 1009.89; or an accredited independent postsecondary educational
119 institution, as defined in s. 1005.02, which is licensed to
120 operate in this state under part III of chapter 1005 or is
121 approved to participate in a reciprocity agreement as defined in
122 s. 1000.35(2).

123 (h)~~(g)~~ "Eligible private school" has the same meaning as
124 ~~provided~~ in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.

125 (3) SCHOLARSHIP ELIGIBILITY.—

126 (a) 1. A parent of a student may request and receive from



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127 the state a scholarship for the purposes specified in paragraph
128 (4) (a) if the student is a resident of this state and is
129 eligible to enroll in kindergarten through grade 12 in a public
130 school in this state.†

131 ~~1. The student is on the direct certification list pursuant~~
132 ~~to s. 1002.395(2) (c) or the student's household income level~~
133 ~~does not exceed 185 percent of the federal poverty level;~~

134 ~~2. The student is currently placed, or during the previous~~
135 ~~state fiscal year was placed, in foster care or in out-of-home~~
136 ~~care as defined in s. 39.01;~~

137 ~~3. The student's household income level does not exceed 375~~
138 ~~percent of the federal poverty level or an adjusted maximum~~
139 ~~percent of the federal poverty level that is increased by 25~~
140 ~~percentage points in the fiscal year following any fiscal year~~
141 ~~in which more than 5 percent of the available scholarships~~
142 ~~authorized under paragraph (12) (a) have not been funded;~~

143 ~~4. The student is a sibling of a student who is~~
144 ~~participating in the scholarship program under this subsection~~
145 ~~and such siblings reside in the same household;~~

146 ~~5. The student is a dependent child of a member of the~~
147 ~~United States Armed Forces; or~~

148 ~~6. The student is a dependent child of a law enforcement~~
149 ~~officer.~~

150 2. Priority must be given in the following order: to

151 a. A student whose household income level does not exceed
152 185 percent of the federal poverty level or who is in foster
153 care or out-of-home care.

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



156 percent of the federal poverty level.

157 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

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

160 1. Tuition and fees at an eligible private school. ~~;~~ ~~or~~

161 2. Transportation to a Florida public school in which a
162 student is enrolled and that is different from the school to
163 which the student was assigned or to a lab school as defined in
164 s. 1002.32.

165 3. Instructional materials, including digital materials and
166 Internet resources.

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

168 5. Tuition and fees associated with full-time or part-time
169 enrollment in an eligible postsecondary educational institution
170 or a program offered by the postsecondary educational
171 institution, unless the program is subject to s. 1009.25 or
172 reimbursed pursuant to s. 1009.30; an approved preapprenticeship
173 program as defined in s. 446.021(5) which is not subject to s.
174 1009.25 and complies with all applicable requirements of the
175 department pursuant to chapter 1005; a private tutoring program
176 authorized under s. 1002.43; a virtual program offered by a
177 department-approved private online provider that meets the
178 provider qualifications specified in s. 1002.45(2) (a); the
179 Florida Virtual School as a private paying student; or an
180 approved online course offered pursuant to s. 1003.499 or s.
181 1004.0961.

182 6. Fees for nationally standardized, norm-referenced
183 achievement tests, Advanced Placement Examinations, industry
184 certification examinations, assessments related to postsecondary



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185 education, or other assessments.

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

192 8. Tuition and fees for part-time tutoring services or fees
193 for services provided by a choice navigator. Such services must
194 be provided by a person who holds a valid Florida educator's
195 certificate pursuant to s. 1012.56, a person who holds an
196 adjunct teaching certificate pursuant to s. 1012.57, a person
197 who has a bachelor's degree or a graduate degree in the subject
198 area in which instruction is given, a person who has
199 demonstrated a mastery of subject area knowledge pursuant to s.
200 1012.56(5), or a person certified by a nationally or
201 internationally recognized research-based training program as
202 approved by the department. As used in this subparagraph, the
203 term "part-time tutoring services" does not qualify as regular
204 school attendance as defined in s. 1003.01(13)(e) ~~if the student~~
205 ~~is determined eligible pursuant to subparagraph (3)(a)1. or~~
206 ~~subparagraph (3)(a)2.~~

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

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



214 devices.

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

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

219 a. Applied behavior analysis services as provided in ss.
220 627.6686 and 641.31098.

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

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

224 d. Services provided by physical therapists as defined in
225 s. 486.021(8).

226 e. Services provided by listening and spoken language
227 specialists and an appropriate acoustical environment for a
228 child who has a hearing impairment, including deafness, and who
229 has received an implant or assistive hearing device.

230 4. Tuition and ~~or~~ fees associated with full-time or part-
231 time enrollment in a home education program; an eligible
232 private school; an eligible postsecondary educational
233 institution or a program offered by the postsecondary
234 educational institution, unless the program is subject to s.
235 1009.25 or reimbursed pursuant to s. 1009.30; an approved
236 preapprenticeship program as defined in s. 446.021(5) which is
237 not subject to s. 1009.25 and complies with all applicable
238 requirements of the department pursuant to chapter 1005; a
239 private tutoring program authorized under s. 1002.43; a virtual
240 program offered by a department-approved private online provider
241 that meets the provider qualifications specified in s.
242 1002.45(2)(a); the Florida Virtual School as a private paying



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243 student; 7 or an approved online course offered pursuant to s.
244 1003.499 or s. 1004.0961.

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

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

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

259 8. Tuition and fees for part-time tutoring services or fees
260 for services provided by a choice navigator. Such services must
261 be provided by a person who holds a valid Florida educator's
262 certificate pursuant to s. 1012.56, a person who holds an
263 adjunct teaching certificate pursuant to s. 1012.57, a person
264 who has a bachelor's degree or a graduate degree in the subject
265 area in which instruction is given, a person who has
266 demonstrated a mastery of subject area knowledge pursuant to s.
267 1012.56(5), or a person certified by a nationally or
268 internationally recognized research-based training program as
269 approved by the department. As used in this subparagraph
270 paragraph, the term "part-time tutoring services" does not
271 qualify as regular school attendance as defined in s.



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272 1003.01(13)(e).

273 9. Fees for specialized summer education programs.

274 10. Fees for specialized after-school education programs.

275 11. Transition services provided by job coaches.

276 12. Fees for an annual evaluation of educational progress

277 by a state-certified teacher under s. 1002.41(1)(f), if this

278 option is chosen for a home education student.

279 13. Tuition and fees associated with programs offered by

280 Voluntary Prekindergarten Education Program providers approved

281 pursuant to s. 1002.55 and school readiness providers approved

282 pursuant to s. 1002.88.

283 14. Fees for services provided at a center that is a member

284 of the Professional Association of Therapeutic Horsemanship

285 International.

286 15. Fees for services provided by a therapist who is

287 certified by the Certification Board for Music Therapists or

288 credentialed by the Art Therapy Credentials Board, Inc.

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

290 educational choice:

291 (a)1. A scholarship awarded to an eligible student pursuant

292 to paragraph (3)(a) shall remain in force until:

293 a. The organization determines that the student is not

294 eligible for program renewal;

295 b. The Commissioner of Education suspends or revokes

296 program participation or use of funds;

297 c. The student's parent has forfeited participation in the

298 program for failure to comply with subsection (10);

299 d. The student enrolls in a public school. However, if a

300 student enters a Department of Juvenile Justice detention center



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301 for a period of no more than 21 days, the student is not
302 considered to have returned to a public school on a full-time
303 basis for that purpose; or

304 e. The student graduates from high school or attains 21
305 years of age, whichever occurs first.

306 2.a. The student's scholarship account must be closed and
307 any remaining funds shall revert to the state after:

308 (I) Denial or revocation of program eligibility by the
309 commissioner for fraud or abuse, including, but not limited to,
310 the student or student's parent accepting any payment, refund,
311 or rebate, in any manner, from a provider of any services
312 received pursuant to paragraph (4) (a); or

313 (II) Two consecutive fiscal years in which an account has
314 been inactive.

315 b. Reimbursements for program expenditures may continue
316 until the account balance is expended or remaining funds have
317 reverted to the state ~~student returns to a public school,~~
318 ~~graduates from high school, or reaches the age of 21, whichever~~
319 ~~occurs first. A scholarship student who enrolls in a public~~
320 ~~school or public school program is considered to have returned~~
321 ~~to a public school for the purpose of determining the end of the~~
322 ~~scholarship's term. However, if a student enters a Department of~~
323 ~~Juvenile Justice detention center for a period of no more than~~
324 ~~21 days, the student is not considered to have returned to a~~
325 ~~public school for that purpose.~~

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

328 (f) Participating in virtual instruction pursuant to s.
329 1002.455 that receives state funding pursuant to the student's



330 participation.

331 (7) SCHOOL DISTRICT OBLIGATIONS.—

332 (b)1. The parent of a student with a disability who does
333 not have an IEP in accordance with subparagraph (3)(b)4. or who
334 seeks a reevaluation of an existing IEP may request an IEP
335 meeting and evaluation from the school district in order to
336 obtain or revise a matrix of services. The school district shall
337 notify a parent who has made a request for an IEP that the
338 district is required to complete the IEP and matrix of services
339 within 30 days after receiving notice of the parent's request.
340 The school district shall conduct a meeting and develop an IEP
341 and a matrix of services within 30 days after receipt of the
342 parent's request in accordance with State Board of Education
343 rules. The district must accept the diagnosis and consider the
344 service plan of the licensed professional providing the
345 diagnosis pursuant to subparagraph (3)(b)4. The school district
346 must complete a matrix that assigns the student to one of the
347 levels of service as they existed before the 2000-2001 school
348 year. For a nonpublic school student without an IEP, the school
349 district is authorized to use evaluation reports and plans of
350 care developed by the licensed professionals under subparagraph
351 (4)(b)3. to complete the matrix of services.

352 2.a. The school district must provide the student's parent
353 and the department with the student's matrix level within 10
354 calendar days after its completion.

355 b. The department shall notify the parent and the
356 organization of the amount of the funds awarded within 10 days
357 after receiving the school district's notification of the
358 student's matrix level.



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359 c. A school district may change a matrix of services only
360 if the change is a result of an IEP reevaluation or to correct a
361 technical, typographical, or calculation error.

362 ~~(d) The school district in which a participating student~~
363 ~~resides must notify the student and his or her parent about the~~
364 ~~locations and times to take all statewide assessments under s.~~
365 ~~1008.22 if the student chooses to participate in such~~
366 ~~assessments.~~ Upon the request of the department, a school
367 district shall coordinate with the department to provide to a
368 participating private school the statewide assessments
369 administered under s. 1008.22 and any related materials for
370 administering the assessments. For a student who participates in
371 the Family Empowerment Scholarship Program whose parent requests
372 that the student take the statewide assessments under s.
373 1008.22, the district in which the student attends a private
374 school shall provide locations and times to take all statewide
375 assessments. A school district is responsible for implementing
376 test administrations at a participating private school,
377 including the:

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

387 ~~(f) A school district shall report all students who are~~



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388 ~~receiving a scholarship under this program. Students receiving a~~
389 ~~scholarship shall be reported separately from other students~~
390 ~~reported for purposes of the Florida Education Finance Program.~~

391 ~~(g) A school district shall be held harmless for students~~
392 ~~who are receiving a scholarship under this program from the~~
393 ~~weighted enrollment ceiling for group 2 programs in s.~~
394 ~~1011.62(1)(d)3.b. during the first school year in which the~~
395 ~~students are reported.~~

396 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

397 (a) The department shall:

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

402 2. Report, as part of the determination of full-time
403 equivalent membership pursuant to s. 1011.62(1)(a), all students
404 who are receiving a scholarship under the program and are funded
405 through the Florida Education Finance Program, and cross-check
406 the list of participating scholarship students with the public
407 school enrollment lists to avoid duplication.

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

413 4. Notify eligible nonprofit scholarship-funding
414 organizations of the deadlines for submitting the verified list
415 of students determined to be eligible for a scholarship. An
416 eligible nonprofit scholarship-funding organization may not



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417 submit a student for funding after February 1.
418 ~~5. Notify each school district of a parent's participation~~
419 ~~in the scholarship program for purposes of paragraph (7) (f).~~
420 ~~5.6.~~ Deny or terminate program participation upon a
421 parent's failure to comply with subsection (10).
422 ~~6.7.~~ Notify the parent and the organization when a
423 scholarship account is closed and program funds revert to the
424 state.
425 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding
426 organization of any of the organization's or other
427 organization's identified students who are receiving
428 scholarships under this chapter.
429 ~~8.9.~~ Maintain on its website a list of approved providers
430 as required by s. 1002.66, eligible postsecondary educational
431 institutions, eligible private schools, and eligible
432 organizations and may identify or provide links to lists of
433 other approved providers.
434 ~~9.10.~~ Require each organization to verify eligible
435 expenditures before the distribution of funds for any
436 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
437 Review of expenditures made for services specified in
438 subparagraphs (4) (b)3.-15. may be completed after the purchase
439 is made.
440 ~~10.11.~~ Investigate any written complaint of a violation of
441 this section by a parent, a student, a private school, a public
442 school, a school district, an organization, a provider, or
443 another appropriate party in accordance with the process
444 established under s. 1002.421.
445 ~~11.12.~~ Require quarterly reports by an organization, which



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446 must include, at a minimum, the number of students participating
447 in the program; the demographics of program participants; the
448 disability category of program participants; the matrix level of
449 services, if known; the program award amount per student; the
450 total expenditures for the purposes specified in paragraph
451 (4) (b); the types of providers of services to students; and any
452 other information deemed necessary by the department.

453 ~~12.13.~~ Notify eligible nonprofit scholarship-funding
454 organizations that scholarships may not be awarded in a school
455 district in which the award will exceed 99 percent of the school
456 district's share of state funding through the Florida Education
457 Finance Program as calculated by the department.

458 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
459 funding organizations and, when the Florida Education Finance
460 Program is recalculated, adjust the amount of state funds
461 allocated to school districts through the Florida Education
462 Finance Program based upon the results of the cross-check
463 completed pursuant to subparagraph 2.

464 (c) The department shall notify each school district of the
465 full-time equivalent student consensus estimate of students
466 participating in the program developed pursuant to s.
467 216.136(4) (a).

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

472 (d) For a student determined eligible pursuant to paragraph
473 (3) (b), discuss the school's academic programs and policies,
474 specialized services, code of conduct, and attendance policies



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475 before enrollment with the parent to determine which programs
476 and services may meet the student's individual needs.

477

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

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

484 (a) A parent who applies for program participation under
485 paragraph (3) (a) whose student will be enrolled full time ~~is~~
486 ~~exercising his or her parental option to place his or her child~~
487 in a private school ~~and~~ must:

488 1. Select the private school and apply for the admission of
489 his or her student.

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

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

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

499 5. Meet with the private school's principal or the
500 principal's designee to review the school's academic programs
501 and policies, specialized services ~~customized educational~~
502 ~~programs~~, code of student conduct, and attendance policies
503 before ~~prior to~~ enrollment.



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504 6. Require that the student participating in the
505 scholarship program takes the norm-referenced assessment offered
506 by the private school. The parent may also choose to have the
507 student participate in the statewide assessments pursuant to
508 paragraph (7) (d). If the parent requests that the student
509 participating in the program take all statewide assessments
510 required pursuant to s. 1008.22, the parent is responsible for
511 transporting the student to the assessment site designated by
512 the school district.

513 7. Approve each payment before the scholarship funds may be
514 deposited by funds transfer ~~Restrictively endorse the warrant,~~
515 ~~issued in the name of the parent~~ pursuant to subparagraph
516 (12) (a) 4. (12) (a) 6., to the private school for deposit into the
517 ~~private school's account.~~ The parent may not designate any
518 entity or individual associated with the participating private
519 school as the parent's attorney in fact to approve a funds
520 transfer. A participant who fails to comply with this paragraph
521 forfeits the ~~endorse a scholarship warrant.~~

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

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

532 1. Apply to an eligible nonprofit scholarship-funding



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533 organization to participate in the program by a date set by the
534 organization. The request must be communicated directly to the
535 organization in a manner that creates a written or electronic
536 record of the request and the date of receipt of the request.

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

541 a. Affirming that the student is enrolled in a program that
542 meets regular school attendance requirements as provided in s.
543 1003.01(13)(b), (c), or (d).

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

552 c. Affirming that the parent is responsible for all
553 eligible expenses in excess of the amount of the scholarship and
554 for the education of his or her student by, as applicable:

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

557 (II) Providing an annual evaluation in accordance with s.
558 1002.41(1)(f); or

559 (III) Requiring the child to take any preassessments and
560 postassessments selected by the provider if the child is 4 years
561 of age and is enrolled in a program provided by an eligible



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562 Voluntary Prekindergarten Education Program provider. A student
563 with disabilities for whom the physician or psychologist who
564 issued the diagnosis or the IEP team determines that a
565 preassessment and postassessment is not appropriate is exempt
566 from this requirement. A participating provider shall report a
567 student's scores to the parent.

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

571 e. Enrolling his or her child in a program from a Voluntary
572 Prekindergarten Education Program provider authorized under s.
573 1002.55, a school readiness provider authorized under s.
574 1002.88, or an eligible private school if either option is
575 selected by the parent.

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

589 g. Procuring the services necessary to educate the student.
590 If such services include enrollment in an eligible private



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591 school, the parent must meet with the private school's principal
592 or the principal's designee to review the school's academic
593 programs and policies, specialized services, code of student
594 conduct, and attendance policies before his or her student is
595 enrolled ~~If a parent does not procure the necessary educational~~
596 ~~services for the student and the student's account has been~~
597 ~~inactive for 2 consecutive fiscal years, the student is~~
598 ~~ineligible for additional scholarship payments until the~~
599 ~~scholarship-funding organization verifies that expenditures from~~
600 ~~the account have occurred.~~ When the student receives a
601 scholarship, the district school board is not obligated to
602 provide the student with a free appropriate public education.
603 For purposes of s. 1003.57 and the Individuals with Disabilities
604 in Education Act, a participating student has only those rights
605 that apply to all other unilaterally parentally placed students,
606 except that, when requested by the parent, school district
607 personnel must develop an IEP or matrix level of services.

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

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

613 1. Must receive applications, determine student
614 eligibility, notify parents in accordance with the requirements
615 of this section, and provide the department with information on
616 the student to enable the department to determine student
617 funding in accordance with paragraph (12) (a).

618 2. Shall verify the household income level of students
619 ~~pursuant to subparagraph (3) (a)1.~~ and submit the verified list



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620 of students and related documentation to the department when
621 necessary.

622 3. Shall award scholarships in priority order pursuant to
623 paragraph (3) (a).

624 4. Shall establish and maintain separate empowerment
625 accounts for each eligible student. For each account, the
626 organization must maintain a record of accrued interest that is
627 retained in the student's account and available only for
628 authorized program expenditures.

629 5. May permit eligible students to use program funds for
630 the purposes specified in paragraph (4) (a) by paying for the
631 authorized use directly, then submitting a reimbursement request
632 to the eligible nonprofit scholarship-funding organization.
633 However, an eligible nonprofit scholarship-funding organization
634 may require the use of an online platform for direct purchases
635 of products so long as such use does not limit a parent's choice
636 of curriculum or academic programs. If a parent purchases a
637 product identical to one offered by an organization's online
638 platform for a lower price, the organization shall reimburse the
639 parent the cost of the product.

640 6. May, from eligible contributions received pursuant to s.
641 1002.395(6)(1)1. ~~s. 1002.395(6)(j)1.~~, use an amount not to
642 exceed 2.5 percent of the total amount of all scholarships
643 funded under this section for administrative expenses associated
644 with performing functions under this section. An eligible
645 nonprofit scholarship-funding organization that has, for the
646 prior fiscal year, complied with the expenditure requirements of
647 s. 1002.395(6)(1)2., may use an amount not to exceed 3 percent.
648 Such administrative expense amount is considered within the 3



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649 percent limit on the total amount an organization may use to
650 administer scholarships under this chapter.

651 ~~7.5.~~ Must, in a timely manner, submit any information
652 requested by the department relating to the scholarship under
653 this section.

654 ~~8.6.~~ Must notify the department about any violation of this
655 section ~~by a parent or a private school.~~

656 9. Must document each student's eligibility for a fiscal
657 year before granting a scholarship for that fiscal year. A
658 student is ineligible for a scholarship if the student's account
659 has been inactive for 2 consecutive fiscal years.

660 10. Must notify each parent that participation in the
661 scholarship program does not guarantee enrollment.

662 11. Shall commit scholarship funds on behalf of the student
663 for tuition and fees for which the parent is responsible for
664 payment at the private school before using empowerment account
665 funds for additional authorized uses under paragraph (4) (a).

666 (12) SCHOLARSHIP FUNDING AND PAYMENT.—

667 (a)1. Scholarships for students determined eligible
668 pursuant to paragraph (3) (a) may be funded once all scholarships
669 have been funded in accordance with s. 1002.395(6)(1)2. are
670 established for up to 18,000 students annually beginning in the
671 2019-2020 school year. Beginning in the 2020-2021 school year,
672 the maximum number of students participating in the scholarship
673 program under this section shall annually increase by 1.0
674 percent of the state's total full-time equivalent student
675 membership. An eligible student who meets any of the following
676 requirements shall be excluded from the maximum number of
677 students if the student:



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

681 ~~b. Is determined eligible pursuant to subparagraph (3)(a)1.~~
682 ~~or subparagraph (3)(a)2. and either spent the prior school year~~
683 ~~in attendance at a Florida public school; or, beginning in the~~
684 ~~2022-2023 school year, is eligible to enroll in kindergarten.~~
685 ~~For purposes of this subparagraph, the term "prior school year~~
686 ~~in attendance" means that the student was enrolled and reported~~
687 ~~by a school district for funding during either the preceding~~
688 ~~October or February full-time equivalent student membership~~
689 ~~surveys in kindergarten through grade 12, which includes time~~
690 ~~spent in a Department of Juvenile Justice commitment program if~~
691 ~~funded under the Florida Education Finance Program.~~

692 ~~2. The scholarship amount provided to a student for any~~
693 ~~single school year shall be for tuition and fees for an eligible~~
694 ~~private school, not to exceed annual limits, which shall be~~
695 ~~determined in accordance with this subparagraph. The calculated~~
696 ~~scholarship amount for a participating student determined~~
697 ~~eligible pursuant to paragraph (3)(a) shall be based upon the~~
698 ~~grade level and school district in which the student was~~
699 ~~assigned as 100 percent of the funds per unweighted full-time~~
700 ~~equivalent in the Florida Education Finance Program for a~~
701 ~~student in the basic program established pursuant to s.~~
702 ~~1011.62(1)(c)1., plus a per-full-time equivalent share of funds~~
703 ~~for all categorical programs, except for the exceptional student~~
704 ~~education guaranteed allocation established pursuant to s.~~
705 ~~1011.62(1)(e).~~

706 ~~3. The amount of the scholarship shall be the calculated~~



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707 ~~amount or the amount of the private school's tuition and fees,~~
708 ~~whichever is less. The amount of any assessment fee required by~~
709 ~~the participating private school and any costs to provide a~~
710 ~~digital device, including Internet access, if necessary, to the~~
711 ~~student may be paid from the total amount of the scholarship.~~

712 2.4. A scholarship of \$750 or an amount equal to the school
713 district expenditure per student riding a school bus, as
714 determined by the department, whichever is greater, may be
715 awarded to an eligible a student who is ~~determined eligible~~
716 ~~pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and~~
717 enrolled in a Florida public school that is different from the
718 school to which the student was assigned or in a lab school as
719 defined in s. 1002.32 if the school district does not provide
720 the student with transportation to the school.

721 3.5. The organization must provide the department with the
722 documentation necessary to verify the student's participation.
723 Upon receiving the documentation, the department shall transfer,
724 beginning August 1, from state funds only, the amount calculated
725 pursuant to subparagraph 2. to the organization for quarterly
726 disbursement to parents of participating students each school
727 year in which the scholarship is in force. For a student exiting
728 a Department of Juvenile Justice commitment program who chooses
729 to participate in the scholarship program, the amount of the
730 Family Empowerment Scholarship calculated pursuant to
731 subparagraph 2. must be transferred from the school district in
732 which the student last attended a public school before
733 commitment to the Department of Juvenile Justice. When a student
734 enters the scholarship program, the organization must receive
735 all documentation required for the student's participation,



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736 including the private school's and the student's fee schedules,
737 at least 30 days before the first quarterly scholarship payment
738 is made for the student.

739 ~~4.6.~~ The initial payment shall be made after the
740 organization's verification of admission acceptance, and
741 subsequent payments shall be made upon verification of continued
742 enrollment and attendance at the private school. Payment must be
743 ~~by individual warrant made payable to the student's parent or by~~
744 funds transfer or any other means of payment that the department
745 deems to be commercially viable or cost-effective. ~~If the~~
746 ~~payment is made by warrant, the warrant must be delivered by the~~
747 ~~organization to the private school of the parent's choice, and~~
748 ~~the parent shall restrictively endorse the warrant to the~~
749 ~~private school.~~ An organization shall ensure that the parent ~~to~~
750 ~~whom the warrant is made has restrictively endorsed the warrant~~
751 ~~to the private school for deposit into the account of the~~
752 ~~private school or that the parent~~ has approved a funds transfer
753 before any scholarship funds are deposited.

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

757 (b)1. Scholarships for students determined eligible
758 pursuant to paragraph (3) (b) are established for up to 26,500
759 students annually beginning in the 2022-2023 school year.
760 Beginning in the 2023-2024 school year, the maximum number of
761 students participating in the scholarship program under this
762 section shall annually increase by 3.0 ~~1.0~~ percent of the
763 state's total exceptional student education full-time equivalent
764 student membership, not including gifted students. An eligible



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765 student who meets any of the following requirements shall be
766 excluded from the maximum number of students if the student:

767 a. Received specialized instructional services under the
768 Voluntary Prekindergarten Education Program pursuant to s.
769 1002.66 during the previous school year and the student has a
770 current IEP developed by the district school board in accordance
771 with rules of the State Board of Education;

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

775 c. Spent the prior school year in attendance at a Florida
776 public school or the Florida School for the Deaf and the Blind.
777 For purposes of this subparagraph, the term "prior school year
778 in attendance" means that the student was enrolled and reported
779 by:

780 (I) A school district for funding during either the
781 preceding October or February full-time equivalent student
782 membership surveys in kindergarten through grade 12, which
783 includes time spent in a Department of Juvenile Justice
784 commitment program if funded under the Florida Education Finance
785 Program;

786 (II) The Florida School for the Deaf and the Blind during
787 the preceding October or February full-time equivalent student
788 membership surveys in kindergarten through grade 12;

789 (III) A school district for funding during the preceding
790 October or February full-time equivalent student membership
791 surveys, was at least 4 years of age when enrolled and reported,
792 and was eligible for services under s. 1003.21(1)(e); or

793 (IV) Received a John M. McKay Scholarship for Students with



794 Disabilities in the 2021-2022 school year.

795 2. For a student who has a Level I to Level III matrix of
796 services or a diagnosis by a physician or psychologist, the
797 calculated scholarship amount for a student participating in the
798 program must be based upon the grade level and school district
799 in which the student would have been enrolled as the total funds
800 per unweighted full-time equivalent in the Florida Education
801 Finance Program for a student in the basic exceptional student
802 education program pursuant to s. 1011.62(1)(c)1. and (e)1.c.,
803 plus a per full-time equivalent share of funds for all
804 categorical programs, as funded in the General Appropriations
805 Act, except that for the exceptional student education
806 guaranteed allocation, as provided in s. 1011.62(1)(e)1.c. and
807 2., the funds must be allocated based on the school district's
808 average exceptional student education guaranteed allocation
809 funds per exceptional student education full-time equivalent
810 student.

811 3. For a student with a Level IV or Level V matrix of
812 services, the calculated scholarship amount must be based upon
813 the school district to which the student would have been
814 assigned as the total funds per full-time equivalent for the
815 Level IV or Level V exceptional student education program
816 pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time
817 equivalent share of funds for all categorical programs, as
818 funded in the General Appropriations Act.

819 4. For a student who received a Gardiner Scholarship
820 pursuant to s. 1002.385 in the 2020-2021 school year, the amount
821 shall be the greater of the amount calculated pursuant to
822 subparagraph 2. or the amount the student received for the 2020-



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823 2021 school year.

824 5. For a student who received a John M. McKay Scholarship
825 pursuant to s. 1002.39 in the 2020-2021 school year, the amount
826 shall be the greater of the amount calculated pursuant to
827 subparagraph 2. or the amount the student received for the 2020-
828 2021 school year.

829 6. The organization must provide the department with the
830 documentation necessary to verify the student's participation.

831 7. Upon receiving the documentation, the department shall
832 release, from state funds only, the student's scholarship funds
833 to the organization, to be deposited into the student's account
834 in four equal amounts no later than September 1, November 1,
835 February 1, and April 1 of each school year in which the
836 scholarship is in force.

837 8. Accrued interest in the student's account is in addition
838 to, and not part of, the awarded funds. Program funds include
839 both the awarded funds and accrued interest.

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

849 10. An organization may not transfer any funds to an
850 account of a student determined to be eligible pursuant to
851 paragraph (3) (b) which has a balance in excess of \$50,000.



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852 ~~11.10.~~ Moneys received pursuant to this section do not
853 constitute taxable income to the qualified student or the parent
854 of the qualified student.

855 Section 6. Present paragraphs (b) through (f), (g) through
856 (i), and (j) and (k) of subsection (2) of section 1002.395,
857 Florida Statutes, are redesignated as paragraphs (c) through
858 (g), (i) through (k), and (o) and (p), respectively, paragraphs
859 (e) through (f) and (g) through (q) of subsection (6) are
860 redesignated as paragraphs (f) through (g) and (i) through (s),
861 respectively, new paragraphs (b), (h), (l), (m), and (n) are
862 added to subsection (2), new paragraphs (e) and (h) and
863 paragraphs (t) (u), (v), (w), and (x) are added to subsection
864 (6), paragraph (k) is added to subsection (9), and paragraphs
865 (e) through (h) are added to subsection (11) of that section,
866 and present paragraphs (e) and (g) of subsection (2), paragraph
867 (b) of subsection (3), subsection (4), paragraphs (b) and (d)
868 and present paragraphs (f), (j), and (o) of subsection (6),
869 subsection (7), paragraphs (a), (b), (c), (e), (f), and (j) of
870 subsection (9), paragraph (b) of subsection (11), and subsection
871 (15) are amended, to read:

872 1002.395 Florida Tax Credit Scholarship Program.—

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

874 (b) “Choice navigator” means an individual who meets the
875 requirements of sub-subparagraph (6) (d) 2.h. and who provides
876 consultations, at a mutually agreed upon location, on the
877 selection of, application for, and enrollment in educational
878 options addressing the academic needs of a student; curriculum
879 selection; and advice on career and postsecondary education
880 opportunities. However, nothing in this section authorizes a



881 choice navigator to oversee or exercise control over the
882 curricula or academic programs of a personalized education
883 program.

884 (f)(e) "Eligible contribution" means a monetary
885 contribution from a taxpayer, subject to the restrictions
886 provided in this section, to an eligible nonprofit scholarship-
887 funding organization pursuant to ss. 212.099, 212.1832,
888 1002.395, and 1002.40. The taxpayer making the contribution may
889 not designate a specific child as the beneficiary of the
890 contribution.

891 (h) "Eligible postsecondary educational institution" means
892 a Florida College System institution; a state university; a
893 school district technical center; a school district adult
894 general education center; an independent college or university
895 eligible to participate in the William L. Boyd, IV, Effective
896 Access to Student Education Grant Program under s. 1009.89; or
897 an accredited independent postsecondary educational institution,
898 as defined in s. 1005.02, which is licensed to operate in this
899 state under part III of chapter 1005 or is approved to
900 participate in a reciprocity agreement as defined in s.
901 1000.35(2).

902 (i)(g) "Eligible private school" means a private school, as
903 defined in s. 1002.01 ~~s. 1002.01(2)~~, located in Florida which
904 offers an education to students in any grades K-12 and that
905 meets the requirements in subsection (8).

906 (l) "Personalized education program" has the same meaning
907 as in s. 1002.01.

908 (m) "Personalized education student" means a student whose
909 parent applies to an eligible nonprofit scholarship-funding



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910 organization for participation in a personalized education
911 program.

912 (n) "Student learning plan" means a customized learning
913 plan developed by a parent, at least annually, to guide
914 instruction for his or her student and to identify the goods and
915 services needed to address the academic needs of his or her
916 student.

917 (3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

918 (b)1. A student is eligible for a Florida tax credit
919 scholarship under this section if the student is a resident of
920 this state and is eligible to enroll in kindergarten through
921 grade 12 in a public school in this state ~~meets one or more of~~
922 the following criteria:

923 ~~1. The student is on the direct certification list or the~~
924 ~~student's household income level does not exceed 375 percent of~~
925 ~~the federal poverty level or an adjusted maximum percent of the~~
926 ~~federal poverty level authorized under s. 1002.394(3)(a)3.; or~~

927 ~~2. The student is currently placed, or during the previous~~
928 ~~state fiscal year was placed, in foster care or in out-of-home~~
929 ~~care as defined in s. 39.01.~~

930 2. Priority must be given in the following order: ~~to~~

931 a. A student whose household income level does not exceed
932 185 percent of the federal poverty level or who is in foster
933 care or out-of-home care.

934 b. A student whose household income level exceeds 185
935 percent of the federal poverty level, but does not exceed 400
936 percent of the federal poverty level. ~~who initially receives a~~
937 scholarship based on eligibility under this paragraph remains
938 eligible to participate until he or she graduates from high



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939 ~~school or attains the age of 21 years, whichever occurs first,~~
940 ~~regardless of the student's household income level. A sibling of~~
941 ~~a student who is participating in the scholarship program under~~
942 ~~this subsection is eligible for a scholarship if the student~~
943 ~~resides in the same household as the sibling.~~

944 (4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
945 a scholarship while he or she is:

946 (a) Enrolled in a public school, including, but not limited
947 to, the Florida School for the Deaf and the Blind, the College-
948 Preparatory Boarding Academy, a developmental research school
949 authorized under s. 1002.32, or a charter school authorized
950 under this chapter. For purposes of this paragraph, a 3- or 4-
951 year-old child who receives services funded through the Florida
952 Education Finance Program is considered a student enrolled in a
953 public school;

954 (b) ~~(a)~~ Enrolled in a school operating for the purpose of
955 providing educational services to youth in a Department of
956 Juvenile Justice commitment program ~~programs~~;

957 ~~(b) Receiving a scholarship from another eligible nonprofit~~
958 ~~scholarship-funding organization under this section;~~

959 (c) Receiving any other ~~an~~ educational scholarship pursuant
960 to this chapter;

961 (d) Not having regular and direct contact with his or her
962 private school teachers pursuant to s. 1002.421(1)(i) unless he
963 or she is enrolled in a personalized education program;

964 (e) ~~(d)~~ Participating in a home education program as defined
965 in s. 1002.01(1);

966 (f) ~~(e)~~ Participating in a private tutoring program pursuant
967 to s. 1002.43 unless he or she is enrolled in a personalized



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968 education program; or

969 (g) ~~(f)~~ Participating in a virtual instruction pursuant to
970 s. 1002.455 school, correspondence school, or distance learning
971 program that receives state funding pursuant to the student's
972 participation unless the participation is limited to no more
973 than two courses per school year; or

974 (g) Enrolled in the Florida School for the Deaf and the
975 Blind.

976 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
977 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
978 organization:

979 (b) Must comply with the following background check
980 requirements:

981 1. All owners and operators as defined in subparagraph
982 (2) (k) 1. ~~(2) (i) 1.~~ are, before employment or engagement to
983 provide services, subject to level 2 background screening as
984 provided under chapter 435. The fingerprints for the background
985 screening must be electronically submitted to the Department of
986 Law Enforcement and can be taken by an authorized law
987 enforcement agency or by an employee of the eligible nonprofit
988 scholarship-funding organization or a private company who is
989 trained to take fingerprints. However, the complete set of
990 fingerprints of an owner or operator may not be taken by the
991 owner or operator. The results of the state and national
992 criminal history check shall be provided to the Department of
993 Education for screening under chapter 435. The cost of the
994 background screening may be borne by the eligible nonprofit
995 scholarship-funding organization or the owner or operator.

996 2. Every 5 years following employment or engagement to



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997 provide services or association with an eligible nonprofit
998 scholarship-funding organization, each owner or operator must
999 meet level 2 screening standards as described in s. 435.04, at
1000 which time the nonprofit scholarship-funding organization shall
1001 request the Department of Law Enforcement to forward the
1002 fingerprints to the Federal Bureau of Investigation for level 2
1003 screening. If the fingerprints of an owner or operator are not
1004 retained by the Department of Law Enforcement under subparagraph
1005 3., the owner or operator must electronically file a complete
1006 set of fingerprints with the Department of Law Enforcement. Upon
1007 submission of fingerprints for this purpose, the eligible
1008 nonprofit scholarship-funding organization shall request that
1009 the Department of Law Enforcement forward the fingerprints to
1010 the Federal Bureau of Investigation for level 2 screening, and
1011 the fingerprints shall be retained by the Department of Law
1012 Enforcement under subparagraph 3.

1013 3. Fingerprints submitted to the Department of Law
1014 Enforcement as required by this paragraph must be retained by
1015 the Department of Law Enforcement in a manner approved by rule
1016 and entered in the statewide automated biometric identification
1017 system authorized by s. 943.05(2)(b). The fingerprints must
1018 thereafter be available for all purposes and uses authorized for
1019 arrest fingerprints entered in the statewide automated biometric
1020 identification system pursuant to s. 943.051.

1021 4. The Department of Law Enforcement shall search all
1022 arrest fingerprints received under s. 943.051 against the
1023 fingerprints retained in the statewide automated biometric
1024 identification system under subparagraph 3. Any arrest record
1025 that is identified with an owner's or operator's fingerprints



1026 must be reported to the Department of Education. The Department
1027 of Education shall participate in this search process by paying
1028 an annual fee to the Department of Law Enforcement and by
1029 informing the Department of Law Enforcement of any change in the
1030 employment, engagement, or association status of the owners or
1031 operators whose fingerprints are retained under subparagraph 3.
1032 The Department of Law Enforcement shall adopt a rule setting the
1033 amount of the annual fee to be imposed upon the Department of
1034 Education for performing these services and establishing the
1035 procedures for the retention of owner and operator fingerprints
1036 and the dissemination of search results. The fee may be borne by
1037 the owner or operator of the nonprofit scholarship-funding
1038 organization.

1039 5. A nonprofit scholarship-funding organization whose owner
1040 or operator fails the level 2 background screening is not
1041 eligible to provide scholarships under this section.

1042 6. A nonprofit scholarship-funding organization whose owner
1043 or operator in the last 7 years has filed for personal
1044 bankruptcy or corporate bankruptcy in a corporation of which he
1045 or she owned more than 20 percent is ~~shall~~ not be eligible to
1046 provide scholarships under this section.

1047 7. In addition to the offenses listed in s. 435.04, a
1048 person required to undergo background screening pursuant to this
1049 part or authorizing statutes must not have an arrest awaiting
1050 final disposition for, must not have been found guilty of, or
1051 entered a plea of nolo contendere to, regardless of
1052 adjudication, and must not have been adjudicated delinquent, and
1053 the record must not have been sealed or expunged for, any of the
1054 following offenses or any similar offense of another



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1055 jurisdiction:

1056 a. Any authorizing statutes, if the offense was a felony.

1057 b. This chapter, if the offense was a felony.

1058 c. Section 409.920, relating to Medicaid provider fraud.

1059 d. Section 409.9201, relating to Medicaid fraud.

1060 e. Section 741.28, relating to domestic violence.

1061 f. Section 817.034, relating to fraudulent acts through

1062 mail, wire, radio, electromagnetic, photoelectronic, or

1063 photooptical systems.

1064 g. Section 817.234, relating to false and fraudulent

1065 insurance claims.

1066 h. Section 817.505, relating to patient brokering.

1067 i. Section 817.568, relating to criminal use of personal

1068 identification information.

1069 j. Section 817.60, relating to obtaining a credit card

1070 through fraudulent means.

1071 k. Section 817.61, relating to fraudulent use of credit

1072 cards, if the offense was a felony.

1073 l. Section 831.01, relating to forgery.

1074 m. Section 831.02, relating to uttering forged instruments.

1075 n. Section 831.07, relating to forging bank bills, checks,

1076 drafts, or promissory notes.

1077 o. Section 831.09, relating to uttering forged bank bills,

1078 checks, drafts, or promissory notes.

1079 p. Section 831.30, relating to fraud in obtaining medicinal

1080 drugs.

1081 q. Section 831.31, relating to the sale, manufacture,

1082 delivery, or possession with the intent to sell, manufacture, or

1083 deliver any counterfeit controlled substance, if the offense was



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1084 a felony.

1085 (d)1. For the 2023-2024 school year, may fund no more than
1086 20,000 scholarships for students who are enrolled pursuant to
1087 paragraph (7)(b). The number of scholarships funded for such
1088 students may increase by 40,000 in each subsequent school year.
1089 This subparagraph is repealed July 1, 2027.

1090 2. Must establish and maintain separate empowerment
1091 accounts from eligible contributions for each eligible student.
1092 For each account, the organization must maintain a record of
1093 accrued interest retained in the student's account. The
1094 organization must verify that scholarship funds are used for
1095 ~~provide scholarships, from eligible contributions, to eligible~~
1096 ~~students for the cost of:~~

1097 a.1. Tuition and fees for full-time or part-time enrollment
1098 in an eligible private school.; ~~or~~

1099 b.2. Transportation to a Florida public school in which a
1100 student is enrolled and that is different from the school to
1101 which the student was assigned or to a lab school as defined in
1102 s. 1002.32.

1103 c. Instructional materials, including digital materials and
1104 Internet resources.

1105 d. Curriculum as defined in s. 1002.394(2).

1106 e. Tuition and fees associated with full-time or part-time
1107 enrollment in a home education instructional program; an
1108 eligible postsecondary educational institution or a program
1109 offered by the postsecondary educational institution, unless the
1110 program is subject to s. 1009.25 or reimbursed pursuant to s.
1111 1009.30; an approved preapprenticeship program as defined in s.
1112 446.021(5) which is not subject to s. 1009.25 and complies with



1113 all applicable requirements of the Department of Education
1114 pursuant to chapter 1005; a private tutoring program authorized
1115 under s. 1002.43; a virtual program offered by a department-
1116 approved private online provider that meets the provider
1117 qualifications specified in s. 1002.45(2)(a); the Florida
1118 Virtual School as a private paying student; or an approved
1119 online course offered pursuant to s. 1003.499 or s. 1004.0961.

1120 f. Fees for nationally standardized, norm-referenced
1121 achievement tests, Advanced Placement Examinations, industry
1122 certification examinations, assessments related to postsecondary
1123 education, or other assessments.

1124 g. Contracted services provided by a public school or
1125 school district, including classes. A student who receives
1126 contracted services under this sub-subparagraph is not
1127 considered enrolled in a public school for eligibility purposes
1128 as specified in subsection (11) but rather attending a public
1129 school on a part-time basis as authorized under s. 1002.44.

1130 h. Tuition and fees for part-time tutoring services or fees
1131 for services provided by a choice navigator. Such services must
1132 be provided by a person who holds a valid Florida educator's
1133 certificate pursuant to s. 1012.56, a person who holds an
1134 adjunct teaching certificate pursuant to s. 1012.57, a person
1135 who has a bachelor's degree or a graduate degree in the subject
1136 area in which instruction is given, a person who has
1137 demonstrated a mastery of subject area knowledge pursuant to s.
1138 1012.56(5), or a person certified by a nationally or
1139 internationally recognized research-based training program as
1140 approved by the Department of Education. As used in this
1141 paragraph, the term "part-time tutoring services" does not



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1142 qualify as regular school attendance as defined in s.
1143 1003.01(13)(e).

1144 (e) For students determined eligible pursuant to paragraph
1145 (7)(b), must:

1146 1. Maintain a signed agreement from the parent which
1147 constitutes compliance with the attendance requirements under
1148 ss. 1003.01(13) and 1003.21(1).

1149 2. Receive eligible student test scores and, beginning with
1150 the 2027-2028 school year, by August 15, annually report test
1151 scores for students pursuant to paragraph (7)(b) to a state
1152 university pursuant to paragraph (9)(f).

1153 3. Provide parents with information, guidance, and support
1154 to create and annually update a student learning plan for their
1155 student. The organization must maintain the plan and allow
1156 parents to electronically submit, access, and revise the plan
1157 continuously.

1158 4. Upon submission by the parent of an annual student
1159 learning plan, fund a scholarship for a student determined
1160 eligible.

1161 (g) ~~(f)~~ Must provide a renewal or initial scholarship to an
1162 eligible student on a first-come, first-served basis unless the
1163 student qualifies for priority pursuant to paragraph (f) ~~(e)~~.

1164 (h) ~~Each eligible nonprofit scholarship-funding~~
1165 ~~organization~~ Must refer any student eligible for a scholarship
1166 pursuant to this section who did not receive a renewal or
1167 initial scholarship based solely on the lack of available funds
1168 under this section and s. 1002.40(11)(i) to another eligible
1169 nonprofit scholarship-funding organization that may have funds
1170 available.



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1171 (1)~~(j)~~1. May use eligible contributions received pursuant
1172 to this section and ss. 212.099, 212.1832, and 1002.40 during
1173 the state fiscal year in which such contributions are collected
1174 for administrative expenses if the organization has operated as
1175 an eligible nonprofit scholarship-funding organization for at
1176 least the preceding 3 fiscal years and did not have any findings
1177 of material weakness or material noncompliance in its most
1178 recent audit under paragraph (o) or is in good standing in each
1179 state in which it administers a scholarship program and the
1180 audited financial statements for the preceding 3 fiscal years
1181 are free of material misstatements and going concern issues ~~(m)~~.
1182 Administrative expenses from eligible contributions may not
1183 exceed 3 percent of the total amount of all scholarships funded
1184 by an eligible scholarship-funding organization under this
1185 chapter. Such administrative expenses must be reasonable and
1186 necessary for the organization's management and distribution of
1187 scholarships funded under this chapter. Administrative expenses
1188 may include developing or contracting with rideshare programs or
1189 facilitating carpool strategies for recipients of a
1190 transportation scholarship. No funds authorized under this
1191 subparagraph shall be used for lobbying or political activity or
1192 expenses related to lobbying or political activity. Up to one-
1193 third of the funds authorized for administrative expenses under
1194 this subparagraph may be used for expenses related to the
1195 recruitment of contributions from taxpayers. An eligible
1196 nonprofit scholarship-funding organization may not charge an
1197 application fee.

1198 2. Must award ~~expend~~ for annual or partial-year
1199 scholarships an amount equal to or greater than 75 percent of



1200 all estimated ~~the~~ net eligible contributions, as defined in
1201 subsection (2), and all funds carried forward from the prior
1202 state fiscal year remaining after administrative expenses before
1203 funding any scholarships to students determined eligible
1204 pursuant to s. 1002.394(3)(a) during the state fiscal year in
1205 which such contributions are collected. No more than 25 percent
1206 of such net eligible contributions may be carried forward to the
1207 following state fiscal year. All amounts carried forward, for
1208 audit purposes, must be specifically identified for particular
1209 students, by student name and the name of the school to which
1210 the student is admitted, subject to the requirements of ss.
1211 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable
1212 rules and regulations issued pursuant thereto. Any amounts
1213 carried forward shall be expended for annual or partial-year
1214 scholarships in the following state fiscal year. No later than
1215 September 30 of each year, net eligible contributions remaining
1216 on June 30 of each year that are in excess of the 25 percent
1217 that may be carried forward shall be used to provide
1218 scholarships to eligible students or transferred to other
1219 eligible nonprofit scholarship-funding organizations to provide
1220 scholarships for eligible students. All transferred funds must
1221 be deposited by each eligible nonprofit scholarship-funding
1222 organization receiving such funds into its scholarship account.
1223 All transferred amounts received by any eligible nonprofit
1224 scholarship-funding organization must be separately disclosed in
1225 the annual financial audit required under paragraph (o) ~~(m)~~.

1226 3. Must, before granting a scholarship for an academic
1227 year, document each scholarship student's eligibility for that
1228 academic year. A scholarship-funding organization may not grant



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1229 multiyear scholarships in one approval process.

1230 (g)~~(e)~~1.a. Must participate in the joint development of
1231 agreed-upon procedures during the 2009-2010 state fiscal year.
1232 The agreed-upon procedures must uniformly apply to all private
1233 schools and must determine, at a minimum, whether the private
1234 school has been verified as eligible by the Department of
1235 Education under s. 1002.421; has an adequate accounting system,
1236 system of financial controls, and process for deposit and
1237 classification of scholarship funds; and has properly expended
1238 scholarship funds for education-related expenses. During the
1239 development of the procedures, the participating scholarship-
1240 funding organizations shall specify guidelines governing the
1241 materiality of exceptions that may be found during the
1242 accountant's performance of the procedures. The procedures and
1243 guidelines shall be provided to private schools and the
1244 Commissioner of Education by March 15, 2011.

1245 b. Must participate in a joint review of the agreed-upon
1246 procedures and guidelines developed under sub-subparagraph a.,
1247 by February of each biennium, if the scholarship-funding
1248 organization provided more than \$250,000 in scholarship funds ~~to~~
1249 ~~an eligible private school~~ under this chapter during the state
1250 fiscal year preceding the biennial review. If the procedures and
1251 guidelines are revised, the revisions must be provided to
1252 private schools and the Commissioner of Education by March 15 of
1253 the year in which the revisions were completed. The revised
1254 agreed-upon procedures and guidelines shall take effect the
1255 subsequent school year. ~~For the 2018-2019 school year only, the~~
1256 ~~joint review of the agreed-upon procedures must be completed and~~
1257 ~~the revisions submitted to the commissioner no later than~~



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1258 ~~September 15, 2018. The revised procedures are applicable to the~~
1259 ~~2018-2019 school year.~~

1260 c. Must monitor the compliance of a private school with s.
1261 1002.421(1)(q) if the scholarship-funding organization provided
1262 the majority of the scholarship funding to the school. For each
1263 private school subject to s. 1002.421(1)(q), the appropriate
1264 scholarship-funding organization shall annually notify the
1265 Commissioner of Education by October 30 of:

1266 (I) A private school's failure to submit a report required
1267 under s. 1002.421(1)(q); or

1268 (II) Any material exceptions set forth in the report
1269 required under s. 1002.421(1)(q).

1270 2. Must seek input from the accrediting associations that
1271 are members of the Florida Association of Academic Nonpublic
1272 Schools and the Department of Education when jointly developing
1273 the agreed-upon procedures and guidelines under sub-subparagraph
1274 1.a. and conducting a review of those procedures and guidelines
1275 under sub-subparagraph 1.b.

1276 (t) Must participate in the joint development of agreed-
1277 upon purchasing guidelines for authorized uses of scholarship
1278 funds under this chapter. By December 31, 2023, and by each
1279 December 31 thereafter, the purchasing guidelines must be
1280 provided to the Commissioner of Education and published on the
1281 eligible nonprofit scholarship-funding organization's website.
1282 Published purchasing guidelines shall remain in effect until
1283 there is unanimous agreement to revise the guidelines and the
1284 revisions must be provided to the commissioner and published on
1285 the organization's website within 30 days after such revisions.

1286 (u) May permit eligible students to use program funds for



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1287 the purposes specified in paragraph (d) by paying for the
1288 authorized use directly, then submitting a reimbursement request
1289 to the eligible nonprofit scholarship-funding organization.
1290 However, an eligible nonprofit scholarship-funding organization
1291 may require the use of an online platform for direct purchases
1292 of products so long as such use does not limit a parent's choice
1293 of curriculum or academic programs. If a parent purchases a
1294 product identical to one offered by an organization's online
1295 platform for a lower price, the organization shall reimburse the
1296 parent the cost of the product.

1297 (v) Must notify each parent that participation in the
1298 scholarship program does not guarantee enrollment.

1299 (w) Shall commit scholarship funds on behalf of the student
1300 for tuition and fees for which the parent is responsible for
1301 payment at the private school before using empowerment account
1302 funds for additional authorized uses under paragraph (d).

1303 (x) Beginning September 30, 2023, must submit to the
1304 department quarterly reports that provide the estimated and
1305 actual amounts of the net eligible contributions, as defined in
1306 subsection (2), and all funds carried forward from the prior
1307 state fiscal year.

1308
1309 Information and documentation provided to the Department of
1310 Education and the Auditor General relating to the identity of a
1311 taxpayer that provides an eligible contribution under this
1312 section shall remain confidential at all times in accordance
1313 with s. 213.053.

1314 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1315 PARTICIPATION.—



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1316 (a) A parent whose student will be enrolled full time in a
1317 private school must:

1318 1. ~~The parent must~~ Select an eligible private school and
1319 apply for the admission of his or her child.

1320 2. ~~(b) The parent must~~ Inform the child's school district
1321 when the parent withdraws his or her child to attend an eligible
1322 private school.

1323 3. ~~(e) Require his or her~~ any student participating in the
1324 ~~scholarship program to~~ must remain in attendance throughout the
1325 school year unless excused by the school for illness or other
1326 good cause and-

1327 ~~(d) Each parent and each student has an obligation to the~~
1328 ~~private school to~~ comply with the private school's published
1329 policies.

1330 4. Meet with the private school's principal or the
1331 principal's designee to review the school's academic programs
1332 and policies, specialized services, code of student conduct, and
1333 attendance policies before enrollment in the private school.

1334 5. ~~(e) Require his or her~~ The parent shall ensure that the
1335 student participating in the scholarship program to take ~~takes~~
1336 the norm-referenced assessment offered by the private school.
1337 The parent may also choose to have the student participate in
1338 the statewide assessments pursuant to s. 1008.22. If the parent
1339 requests that the student participating in the scholarship
1340 program take statewide assessments pursuant to s. 1008.22 and
1341 the private school has not chosen to offer and administer the
1342 statewide assessments, the parent is responsible for
1343 transporting the student to the assessment site designated by
1344 the school district.



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1345 ~~6.(f) Upon receipt of a scholarship warrant from the~~
1346 ~~eligible nonprofit scholarship-funding organization, the parent~~
1347 ~~to whom the warrant is made must restrictively endorse the~~
1348 ~~warrant to the private school for deposit into the account of~~
1349 ~~the private school. If payments are made by funds transfer, the~~
1350 ~~parent must~~ Approve each payment before the scholarship funds
1351 may be deposited by funds transfer. The parent may not designate
1352 any entity or individual associated with the participating
1353 private school as the parent's attorney in fact to ~~endorse a~~
1354 ~~scholarship warrant or~~ approve a funds transfer. A participant
1355 who fails to comply with this paragraph forfeits the
1356 scholarship.

1357 ~~7.(g) The parent shall~~ Authorize the nonprofit scholarship-
1358 funding organization to access information needed for income
1359 eligibility determination and verification held by other state
1360 or federal agencies, including the Department of Revenue, the
1361 Department of Children and Families, the Department of
1362 Education, the Department of Economic Opportunity, and the
1363 Agency for Health Care Administration.

1364 8. Agree to have the organization commit scholarship funds
1365 on behalf of his or her student for tuition and fees for which
1366 the parent is responsible for payment at the private school
1367 before using empowerment account funds for additional authorized
1368 uses under paragraph (6) (d). A parent is responsible for all
1369 eligible expenses in excess of the amount of the scholarship.

1370 (b) A parent whose student will not be enrolled full time
1371 in a public or private school must:

1372 1. Apply to an eligible nonprofit scholarship-funding
1373 organization to participate in the program as a personalized



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1374 education student by a date set by the organization. The request
1375 must be communicated directly to the organization in a manner
1376 that creates a written or electronic record of the request and
1377 the date of receipt of the request.

1378 2. Sign an agreement with the organization and annually
1379 submit a sworn compliance statement to the organization to
1380 satisfy or maintain program eligibility, including eligibility
1381 to receive and spend program payments, by:

1382 a. Affirming that the program funds are used only for
1383 authorized purposes serving the student's educational needs, as
1384 described in paragraph (6)(d), and that they will not receive a
1385 payment, refund, or rebate of any funds provided under this
1386 section.

1387 b. Affirming that the parent is responsible for all
1388 eligible expenses in excess of the amount of the scholarship and
1389 for the education of his or her student.

1390 c. Submitting a student learning plan to the organization
1391 and revising the plan at least annually before program renewal.

1392 d. Requiring his or her student to take a nationally norm-
1393 referenced test identified by the Department of Education, or a
1394 statewide assessment under s. 1008.22, and provide assessment
1395 results to the organization before the student's program
1396 renewal.

1397 e. Renewing participation in the program each year. A
1398 student whose participation in the program is not renewed may
1399 continue to spend scholarship funds that are in his or her
1400 account from prior years unless the account must be closed
1401 pursuant to s. 1002.394(5)(a)2.

1402 f. Procuring the services necessary to educate the student.



1403 When the student receives a scholarship, the district school
1404 board is not obligated to provide the student with a free
1405 appropriate public education.

1406
1407 An eligible nonprofit scholarship-funding organization may not
1408 further regulate, exercise control over, or require
1409 documentation beyond the requirements of this subsection unless
1410 the regulation, control, or documentation is necessary for
1411 participation in the program.

1412 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
1413 Education shall:

1414 (a) Annually submit to the department and division, by
1415 March 15, a list of eligible nonprofit scholarship-funding
1416 organizations that meet the requirements of paragraph (2) (g)
1417 ~~(2) (f)~~.

1418 (b) Annually verify the eligibility of nonprofit
1419 scholarship-funding organizations that meet the requirements of
1420 paragraph (2) (g) ~~(2) (f)~~.

1421 (c) Annually verify the eligibility of expenditures as
1422 provided in paragraph (6) (d) using the audit required by
1423 paragraph (6) (o) ~~(6) (m)~~.

1424 (e) Maintain and annually publish a list of nationally
1425 norm-referenced tests identified for purposes of satisfying the
1426 testing requirement in subparagraph (8) (b)1. The tests must meet
1427 industry standards of quality in accordance with State Board of
1428 Education rule.

1429 (f) Issue a project grant award to a state university, to
1430 which participating private schools and eligible nonprofit
1431 scholarship-funding organizations must report the scores of



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1432 participating students on the nationally norm-referenced tests
1433 or the statewide assessments administered ~~by the private school~~
1434 in grades 3 through 10. The project term is 2 years, and the
1435 amount of the project is up to \$250,000 per year. The project
1436 grant award must be reissued in 2-year intervals in accordance
1437 with this paragraph.

1438 1. The state university must annually report to the
1439 Department of Education on the student performance of
1440 participating students and, beginning with the 2027-2028 school
1441 year, on the performance of personalized education students:

1442 a. On a statewide basis. The report shall also include, to
1443 the extent possible, a comparison of scholarship students'
1444 performance to the statewide student performance of public
1445 school students with socioeconomic backgrounds similar to those
1446 of students participating in the scholarship program. To
1447 minimize costs and reduce time required for the state
1448 university's analysis and evaluation, the Department of
1449 Education shall coordinate with the state university to provide
1450 data to the state university in order to conduct analyses of
1451 matched students from public school assessment data and
1452 calculate control group student performance using an agreed-upon
1453 methodology with the state university; and

1454 b. On an individual school basis for students enrolled full
1455 time in a private school. The annual report must include student
1456 performance for each participating private school in which ~~at~~
1457 ~~least 51 percent of the total~~ enrolled students in the private
1458 school participated in a scholarship program under this section,
1459 s. 1002.394(12) (a), or s. 1002.40 ~~the Florida Tax Credit~~
1460 ~~Scholarship Program~~ in the prior school year. The report shall



1461 be according to each participating private school, and for
1462 participating students, in which there are at least 30
1463 participating students who have scores for tests administered.
1464 If the state university determines that the 30-participating-
1465 student cell size may be reduced without disclosing personally
1466 identifiable information, as described in 34 C.F.R. s. 99.12, of
1467 a participating student, the state university may reduce the
1468 participating-student cell size, but the cell size must not be
1469 reduced to less than 10 participating students. The department
1470 shall provide each private school's prior school year's student
1471 enrollment information to the state university no later than
1472 June 15 of each year, or as requested by the state university.

1473 2. The sharing and reporting of student performance data
1474 under this paragraph must be in accordance with requirements of
1475 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
1476 Educational Rights and Privacy Act, and the applicable rules and
1477 regulations issued pursuant thereto, and shall be for the sole
1478 purpose of creating the annual report required by subparagraph
1479 1. All parties must preserve the confidentiality of such
1480 information as required by law. The annual report must not
1481 disaggregate data to a level that will identify individual
1482 participating schools, except as required under sub-subparagraph
1483 1.b., or disclose the academic level of individual students.

1484 3. The annual report required by subparagraph 1. shall be
1485 published by the Department of Education on its website.

1486 (j) Provide a process to match the direct certification
1487 list with the scholarship application data submitted by any
1488 nonprofit scholarship-funding organization eligible to receive
1489 the 3-percent administrative allowance under paragraph (6)(1)



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1490 ~~(6) (j).~~
1491 (k) Notify each school district of the full-time equivalent
1492 student consensus estimate of scholarship students developed
1493 pursuant to s. 216.136(4) (a).
1494 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—
1495 (b) Payment of the scholarship by the eligible nonprofit
1496 scholarship-funding organization shall be ~~by individual warrant~~
1497 ~~made payable to the student's parent or~~ by funds transfer,
1498 including, but not limited to, debit cards, electronic payment
1499 cards, or any other means of payment that the department deems
1500 to be commercially viable or cost-effective. ~~If the payment is~~
1501 ~~made by warrant, the warrant must be delivered by the eligible~~
1502 ~~nonprofit scholarship-funding organization to the private school~~
1503 ~~of the parent's choice, and the parent shall restrictively~~
1504 ~~endorse the warrant to the private school. An eligible nonprofit~~
1505 ~~scholarship-funding organization shall ensure that the parent to~~
1506 ~~whom the warrant is made restrictively endorsed the warrant to~~
1507 ~~the private school for deposit into the account of the private~~
1508 ~~school or~~ that the parent has approved a funds transfer before
1509 any scholarship funds are deposited.
1510 (e) An eligible nonprofit scholarship-funding organization
1511 may not transfer any funds to an account of a student determined
1512 eligible under this section which has a balance in excess of
1513 \$24,000.
1514 (f) A scholarship awarded to an eligible student shall
1515 remain in force until:
1516 1. The organization determines that the student is not
1517 eligible for program renewal;
1518 2. The Commissioner of Education suspends or revokes



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1519 program participation or use of funds;
1520 3. The student's parent has forfeited participation in the
1521 program for failure to comply with subsection (7);
1522 4. The student enrolls in a public school. However, if a
1523 student enters a Department of Juvenile Justice detention center
1524 for a period of no more than 21 days, the student is not
1525 considered to have returned to a public school on a full-time
1526 basis for that purpose; or
1527 5. The student graduates from high school or attains 21
1528 years of age, whichever occurs first.
1529 (g) Reimbursements for program expenditures may continue
1530 until the account balance is expended or remaining funds have
1531 reverted to the state.
1532 (h) A student's scholarship account must be closed and any
1533 remaining funds shall revert to the state after:
1534 1. Denial or revocation of program eligibility by the
1535 commissioner for fraud or abuse, including, but not limited to,
1536 the student or student's parent accepting any payment, refund,
1537 or rebate, in any manner, from a provider of any services
1538 received pursuant to paragraph (6) (d); or
1539 2. Two consecutive fiscal years in which an account has
1540 been inactive.
1541 (15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS;
1542 APPLICATION.—In order to participate in the scholarship program
1543 created under this section, a charitable organization that seeks
1544 to be a nonprofit scholarship-funding organization must submit
1545 an application for initial approval or renewal to the Office of
1546 Independent Education and Parental Choice. The office shall
1547 provide at least two application periods in which charitable



1548 organizations may apply to participate in the program no later
1549 than September 1 of each year before the school year for which
1550 the organization intends to offer scholarships.

1551 (a) An application for initial approval must include:

1552 1. A copy of the organization's incorporation documents and
1553 registration with the Division of Corporations of the Department
1554 of State.

1555 2. A copy of the organization's Internal Revenue Service
1556 determination letter as a s. 501(c)(3) not-for-profit
1557 organization.

1558 3. A description of the organization's financial plan that
1559 demonstrates sufficient funds to operate throughout the school
1560 year.

1561 4. A description of the geographic region that the
1562 organization intends to serve and an analysis of the demand and
1563 unmet need for eligible students in that area.

1564 5. The organization's organizational chart.

1565 6. A description of the criteria and methodology that the
1566 organization will use to evaluate scholarship eligibility.

1567 7. A description of the application process, including
1568 deadlines and any associated fees.

1569 8. A description of the deadlines for attendance
1570 verification and scholarship payments.

1571 9. A copy of the organization's policies on conflict of
1572 interest and whistleblowers.

1573 10. A copy of a surety bond or letter of credit to secure
1574 the faithful performance of the obligations of the eligible
1575 nonprofit scholarship-funding organization in accordance with
1576 this section in an amount equal to 25 percent of the scholarship



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1577 funds anticipated for each school year or \$100,000, whichever is
1578 greater. The surety bond or letter of credit must specify that
1579 any claim against the bond or letter of credit may be made only
1580 by an eligible nonprofit scholarship-funding organization to
1581 provide scholarships to and on behalf of students who would have
1582 had scholarships funded if it were not for the diversion of
1583 funds giving rise to the claim against the bond or letter of
1584 credit.

1585 (b) In addition to the information required by
1586 subparagraphs (a)1.-9., an application for renewal must include:

1587 1. A surety bond or letter of credit to secure the faithful
1588 performance of the obligations of the eligible nonprofit
1589 scholarship-funding organization in accordance with this section
1590 equal to the amount of undisbursed donations held by the
1591 organization based on the annual report submitted pursuant to
1592 paragraph (6) (o) ~~(6) (m)~~. The amount of the surety bond or letter
1593 of credit must be at least \$100,000, but not more than \$25
1594 million. The surety bond or letter of credit must specify that
1595 any claim against the bond or letter of credit may be made only
1596 by an eligible nonprofit scholarship-funding organization to
1597 provide scholarships to and on behalf of students who would have
1598 had scholarships funded if it were not for the diversion of
1599 funds giving rise to the claim against the bond or letter of
1600 credit.

1601 2. The organization's completed Internal Revenue Service
1602 Form 990 submitted no later than November 30 of the year before
1603 the school year that the organization intends to offer the
1604 scholarships, notwithstanding the department's ~~September 1~~
1605 application deadline.



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1606 3. A copy of the statutorily required audit to the
1607 Department of Education and Auditor General.
1608 4. An annual report that includes:
1609 a. The number of students who completed applications, by
1610 county and by grade.
1611 b. The number of students who were approved for
1612 scholarships, by county and by grade.
1613 c. The number of students who received funding for
1614 scholarships within each funding category, by county and by
1615 grade.
1616 d. The amount of funds received, the amount of funds
1617 distributed in scholarships, and an accounting of remaining
1618 funds and the obligation of those funds.
1619 e. A detailed accounting of how the organization spent the
1620 administrative funds allowable under paragraph (6)(1) ~~(6)(j)~~.
1621 (c) In consultation with the Department of Revenue and the
1622 Chief Financial Officer, the Office of Independent Education and
1623 Parental Choice shall review the application. The Department of
1624 Education shall notify the organization in writing of any
1625 deficiencies within 30 days after receipt of the application and
1626 allow the organization 30 days to correct any deficiencies.
1627 (d) Within 30 days after receipt of the finalized
1628 application by the Office of Independent Education and Parental
1629 Choice, the Commissioner of Education shall recommend approval
1630 or disapproval of the application to the State Board of
1631 Education. The State Board of Education shall consider the
1632 application and recommendation at the next scheduled meeting,
1633 adhering to appropriate meeting notice requirements. If the
1634 State Board of Education disapproves the organization's



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1635 application, it shall provide the organization with a written
1636 explanation of that determination. The State Board of
1637 Education's action is not subject to chapter 120.

1638 (e) If the State Board of Education disapproves the renewal
1639 of a nonprofit scholarship-funding organization, the
1640 organization must notify the affected eligible students and
1641 parents of the decision within 15 days after disapproval. An
1642 eligible student affected by the disapproval of an
1643 organization's participation remains eligible under this section
1644 until the end of the school year in which the organization was
1645 disapproved. The student must apply and be accepted by another
1646 eligible nonprofit scholarship-funding organization for the
1647 upcoming school year. The student shall be given priority in
1648 accordance with paragraph (6) (g) ~~(6) (f)~~.

1649 (f) All remaining funds held by a nonprofit scholarship-
1650 funding organization that is disapproved for participation must
1651 be transferred to other eligible nonprofit scholarship-funding
1652 organizations to provide scholarships for eligible students. All
1653 transferred funds must be deposited by each eligible nonprofit
1654 scholarship-funding organization receiving such funds into its
1655 scholarship account. All transferred amounts received by any
1656 eligible nonprofit scholarship-funding organization must be
1657 separately disclosed in the annual financial audit required
1658 under subsection (6).

1659 (g) A nonprofit scholarship-funding organization is a
1660 renewing organization if it maintains continuous approval and
1661 participation in the program. An organization that chooses not
1662 to participate for 1 year or more or is disapproved to
1663 participate for 1 year or more must submit an application for



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1664 initial approval in order to participate in the program again.

1665 (h) The State Board of Education shall adopt rules
1666 providing guidelines for receiving, reviewing, and approving
1667 applications for new and renewing nonprofit scholarship-funding
1668 organizations. The rules must include a process for compiling
1669 input and recommendations from the Chief Financial Officer, the
1670 Department of Revenue, and the Department of Education. The
1671 rules must also require that the nonprofit scholarship-funding
1672 organization make a brief presentation to assist the State Board
1673 of Education in its decision.

1674 (i) A state university; or an independent college or
1675 university which is eligible to participate in the William L.
1676 Boyd, IV, Effective Access to Student Education Grant Program,
1677 located and chartered in this state, is not for profit, and is
1678 accredited by the Commission on Colleges of the Southern
1679 Association of Colleges and Schools, is exempt from the initial
1680 or renewal application process, but must file a registration
1681 notice with the Department of Education to be an eligible
1682 nonprofit scholarship-funding organization. The State Board of
1683 Education shall adopt rules that identify the procedure for
1684 filing the registration notice with the department. The rules
1685 must identify appropriate reporting requirements for fiscal,
1686 programmatic, and performance accountability purposes consistent
1687 with this section, but may ~~shall~~ not exceed the requirements for
1688 eligible nonprofit scholarship-funding organizations for
1689 charitable organizations.

1690 Section 7. Paragraphs (e) and (f) of subsection (2) and
1691 paragraphs (g) and (i) of subsection (11) of section 1002.40,
1692 Florida Statutes, are amended to read:



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1693 1002.40 The Hope Scholarship Program.—
1694 (2) DEFINITIONS.—As used in this section, the term:
1695 (e) “Eligible nonprofit scholarship-funding organization”
1696 or “organization” has the same meaning as provided in s.
1697 1002.395(2) ~~s. 1002.395(2)(f)~~.
1698 (f) “Eligible private school” has the same meaning as
1699 provided in s. 1002.395(2) ~~s. 1002.395(2)(g)~~.
1700 (11) FUNDING AND PAYMENT.—
1701 (g) An eligible nonprofit scholarship-funding organization,
1702 subject to the limitations of s. 1002.395(6)(1)1. ~~s.~~
1703 ~~1002.395(6)(j)1.~~, may use eligible contributions received during
1704 the state fiscal year in which such contributions are collected
1705 for administrative expenses.
1706 (i) Notwithstanding s. 1002.395(6)(1)2. ~~s. 1002.395(6)~~
1707 ~~(j)2.~~, no more than 5 percent of net eligible contributions may
1708 be carried forward to the following state fiscal year by an
1709 eligible scholarship-funding organization. For audit purposes,
1710 all amounts carried forward must be specifically identified for
1711 individual students by student name and by the name of the
1712 school to which the student is admitted, subject to the
1713 requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g,
1714 and the applicable rules and regulations issued pursuant to such
1715 requirements. Any amounts carried forward shall be expended for
1716 annual scholarships or partial-year scholarships in the
1717 following state fiscal year. Net eligible contributions
1718 remaining on June 30 of each year which are in excess of the 5
1719 percent that may be carried forward shall be transferred to
1720 other eligible nonprofit scholarship-funding organizations
1721 participating in the Hope Scholarship Program to provide



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1722 scholarships for eligible students. All transferred funds must
1723 be deposited by each eligible nonprofit scholarship-funding
1724 organization receiving such funds into the scholarship account
1725 of eligible students. All transferred amounts received by an
1726 eligible nonprofit scholarship-funding organization must be
1727 separately disclosed in the annual financial audit requirement
1728 under s. 1002.395(6)(o) ~~s. 1002.395(6)(m)~~. If no other eligible
1729 nonprofit scholarship-funding organization participates in the
1730 Hope Scholarship Program, net eligible contributions in excess
1731 of the 5 percent may be used to fund scholarships for students
1732 eligible under s. 1002.395 only after fully exhausting all
1733 contributions made in support of scholarships under that section
1734 in accordance with the priority established in s. 1002.395(6)(f)
1735 ~~before s. 1002.395(6)(e) prior to~~ awarding any initial
1736 scholarships.

1737 Section 8. Subsection (1) and paragraph (c) of subsection
1738 (3) of section 1002.421, Florida Statutes, are amended to read:
1739 1002.421 State school choice scholarship program
1740 accountability and oversight.—

1741 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
1742 school participating in an educational scholarship program
1743 established pursuant to this chapter must be a private school as
1744 defined in s. 1002.01 ~~s. 1002.01(2)~~ in this state, be
1745 registered, and be in compliance with all requirements of this
1746 section in addition to private school requirements outlined in
1747 s. 1002.42, specific requirements identified within respective
1748 scholarship program laws, and other provisions of Florida law
1749 that apply to private schools, and must:

1750 (a) Comply with the antidiscrimination provisions of 42



1751 U.S.C. s. 2000d.

1752 (b) Notify the department of its intent to participate in a
1753 scholarship program.

1754 (c) Notify the department of any change in the school's
1755 name, school director, mailing address, or physical location
1756 within 15 days after the change.

1757 (d) Provide to the department or scholarship-funding
1758 organization all documentation required for a student's
1759 participation, including the private school's and student's
1760 individual fee schedule, and attendance verification as required
1761 by the department or scholarship-funding organization, prior to
1762 scholarship payment.

1763 (e) Annually complete and submit to the department a
1764 notarized scholarship compliance statement certifying that all
1765 school employees and contracted personnel with direct student
1766 contact have undergone background screening pursuant to s.
1767 435.12 and have met the screening standards as provided in s.
1768 435.04.

1769 (f) Demonstrate fiscal soundness and accountability by:

1770 1. Being in operation for at least 3 school years or
1771 obtaining a surety bond or letter of credit for the amount equal
1772 to the scholarship funds for any quarter and filing the surety
1773 bond or letter of credit with the department.

1774 2. Requiring the parent of each scholarship student to
1775 personally restrictively endorse the scholarship warrant to the
1776 school or to approve a funds transfer before any funds are
1777 deposited for a student. The school may not act as attorney in
1778 fact for the parent of a scholarship student under the authority
1779 of a power of attorney executed by such parent, or under any



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1780 other authority, to endorse a scholarship warrant or approve a
1781 funds transfer on behalf of such parent.

1782 (g) Meet applicable state and local health, safety, and
1783 welfare laws, codes, and rules, including:

1784 1. Firesafety.

1785 2. Building safety.

1786 (h) Employ or contract with teachers who hold baccalaureate
1787 or higher degrees, have at least 3 years of teaching experience
1788 in public or private schools, or have special skills, knowledge,
1789 or expertise that qualifies them to provide instruction in
1790 subjects taught.

1791 (i) Maintain a physical location in this ~~the~~ state at which
1792 each student has regular and direct contact with teachers.

1793 (j) Publish on the school's website, or provide in a
1794 written format, information for parents regarding the school,
1795 including, but not limited to, programs, services, ~~and~~ the
1796 qualifications of classroom teachers, and a statement that a
1797 parentally placed private school student with a disability does
1798 not have an individual right to receive some or all of the
1799 special education and related services that the student would
1800 receive if enrolled in a public school under the Individuals
1801 with Disabilities Education Act (IDEA), as amended.

1802 (k) At a minimum, provide the parent of each scholarship
1803 student with a written explanation of the student's progress on
1804 a quarterly basis.

1805 (l) Cooperate with a student whose parent chooses to
1806 participate in the statewide assessments pursuant to s. 1008.22.

1807 (m) Require each employee and contracted personnel with
1808 direct student contact, upon employment or engagement to provide



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1809 services, to undergo a state and national background screening,
1810 pursuant to s. 943.0542, by electronically filing with the
1811 Department of Law Enforcement a complete set of fingerprints
1812 taken by an authorized law enforcement agency or an employee of
1813 the private school, a school district, or a private company who
1814 is trained to take fingerprints and deny employment to or
1815 terminate an employee if he or she fails to meet the screening
1816 standards under s. 435.04. Results of the screening shall be
1817 provided to the participating private school. For purposes of
1818 this paragraph:

1819 1. An "employee or contracted personnel with direct student
1820 contact" means any employee or contracted personnel who has
1821 unsupervised access to a scholarship student for whom the
1822 private school is responsible.

1823 2. The costs of fingerprinting and the background check may
1824 ~~shall~~ not be borne by the state.

1825 3. Continued employment of an employee or contracted
1826 personnel after notification that he or she has failed the
1827 background screening under this paragraph shall cause a private
1828 school to be ineligible for participation in a scholarship
1829 program.

1830 4. An employee or contracted personnel holding a valid
1831 Florida teaching certificate who has been fingerprinted pursuant
1832 to s. 1012.32 is not required to ~~comply with the provisions of~~
1833 this paragraph.

1834 5. All fingerprints submitted to the Department of Law
1835 Enforcement as required by this section shall be retained by the
1836 Department of Law Enforcement in a manner provided by rule and
1837 entered in the statewide automated biometric identification



1838 system authorized by s. 943.05(2)(b). Such fingerprints shall
1839 thereafter be available for all purposes and uses authorized for
1840 arrest fingerprints entered in the statewide automated biometric
1841 identification system pursuant to s. 943.051.

1842 6. The Department of Law Enforcement shall search all
1843 arrest fingerprints received under s. 943.051 against the
1844 fingerprints retained in the statewide automated biometric
1845 identification system under subparagraph 5. Any arrest record
1846 that is identified with the retained fingerprints of a person
1847 subject to the background screening under this section shall be
1848 reported to the employing school with which the person is
1849 affiliated. Each private school participating in a scholarship
1850 program is required to participate in this search process by
1851 informing the Department of Law Enforcement of any change in the
1852 employment or contractual status of its personnel whose
1853 fingerprints are retained under subparagraph 5. The Department
1854 of Law Enforcement shall adopt a rule setting the amount of the
1855 annual fee to be imposed upon each private school for performing
1856 these searches and establishing the procedures for the retention
1857 of private school employee and contracted personnel fingerprints
1858 and the dissemination of search results. The fee may be borne by
1859 the private school or the person fingerprinted.

1860 7. Employees and contracted personnel whose fingerprints
1861 are not retained by the Department of Law Enforcement under
1862 subparagraphs 5. and 6. are required to be refingerprinted and
1863 must meet state and national background screening requirements
1864 upon reemployment or reengagement to provide services in order
1865 to comply with the requirements of this section.

1866 8. Every 5 years following employment or engagement to



1867 provide services with a private school, employees or contracted
1868 personnel required to be screened under this section must meet
1869 screening standards under s. 435.04, at which time the private
1870 school shall request the Department of Law Enforcement to
1871 forward the fingerprints to the Federal Bureau of Investigation
1872 for national processing. If the fingerprints of employees or
1873 contracted personnel are not retained by the Department of Law
1874 Enforcement under subparagraph 5., employees and contracted
1875 personnel must electronically file a complete set of
1876 fingerprints with the Department of Law Enforcement. Upon
1877 submission of fingerprints for this purpose, the private school
1878 shall request that the Department of Law Enforcement forward the
1879 fingerprints to the Federal Bureau of Investigation for national
1880 processing, and the fingerprints shall be retained by the
1881 Department of Law Enforcement under subparagraph 5.

1882 (n) Adopt policies establishing standards of ethical
1883 conduct for educational support employees, instructional
1884 personnel, and school administrators. The policies must require
1885 all educational support employees, instructional personnel, and
1886 school administrators, as defined in s. 1012.01, to complete
1887 training on the standards; establish the duty of educational
1888 support employees, instructional personnel, and school
1889 administrators to report, and procedures for reporting, alleged
1890 misconduct by other educational support employees, instructional
1891 personnel, and school administrators which affects the health,
1892 safety, or welfare of a student; and include an explanation of
1893 the liability protections provided under ss. 39.203 and 768.095.
1894 A private school, or any of its employees, may not enter into a
1895 confidentiality agreement regarding terminated or dismissed



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1896 educational support employees, instructional personnel, or
1897 school administrators, or employees, personnel, or
1898 administrators who resign in lieu of termination, based in whole
1899 or in part on misconduct that affects the health, safety, or
1900 welfare of a student, and may not provide the employees,
1901 personnel, or administrators with employment references or
1902 discuss the employees', personnel's, or administrators'
1903 performance with prospective employers in another educational
1904 setting, without disclosing the employees', personnel's, or
1905 administrators' misconduct. Any part of an agreement or a
1906 contract that has the purpose or effect of concealing misconduct
1907 by educational support employees, instructional personnel, or
1908 school administrators which affects the health, safety, or
1909 welfare of a student is void, is contrary to public policy, and
1910 may not be enforced.

1911 (o) Before employing a person in any position that requires
1912 direct contact with students, conduct employment history checks
1913 of previous employers, screen the person through use of the
1914 screening tools described in s. 1001.10(5), and document the
1915 findings. If unable to contact a previous employer, the private
1916 school must document efforts to contact the employer. The
1917 private school may not employ a person whose educator
1918 certificate is revoked, who is barred from reapplying for an
1919 educator certificate, or who is on the disqualification list
1920 maintained by the department pursuant to s. 1001.10(4)(b).

1921 (p) Require each owner or operator of the private school,
1922 prior to employment or engagement to provide services, to
1923 undergo level 2 background screening as provided under chapter
1924 435. For purposes of this paragraph, the term "owner or



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1925 operator" means an owner, operator, superintendent, or principal
1926 of, or a person with equivalent decisionmaking authority over, a
1927 private school participating in a scholarship program
1928 established pursuant to this chapter. The fingerprints for the
1929 background screening must be electronically submitted to the
1930 Department of Law Enforcement and may be taken by an authorized
1931 law enforcement agency or a private company who is trained to
1932 take fingerprints. However, the complete set of fingerprints of
1933 an owner or operator may not be taken by the owner or operator.
1934 The owner or operator shall provide a copy of the results of the
1935 state and national criminal history check to the Department of
1936 Education. The cost of the background screening may be borne by
1937 the owner or operator.

1938 1. Every 5 years following employment or engagement to
1939 provide services, each owner or operator must meet level 2
1940 screening standards as described in s. 435.04, at which time the
1941 owner or operator shall request the Department of Law
1942 Enforcement to forward the fingerprints to the Federal Bureau of
1943 Investigation for level 2 screening. If the fingerprints of an
1944 owner or operator are not retained by the Department of Law
1945 Enforcement under subparagraph 2., the owner or operator must
1946 electronically file a complete set of fingerprints with the
1947 Department of Law Enforcement. Upon submission of fingerprints
1948 for this purpose, the owner or operator shall request that the
1949 Department of Law Enforcement forward the fingerprints to the
1950 Federal Bureau of Investigation for level 2 screening, and the
1951 fingerprints shall be retained by the Department of Law
1952 Enforcement under subparagraph 2.

1953 2. Fingerprints submitted to the Department of Law



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1954 Enforcement as required by this paragraph must be retained by
1955 the Department of Law Enforcement in a manner approved by rule
1956 and entered in the statewide automated biometric identification
1957 system authorized by s. 943.05(2)(b). The fingerprints must
1958 thereafter be available for all purposes and uses authorized for
1959 arrest fingerprints entered in the statewide automated biometric
1960 identification system pursuant to s. 943.051.

1961 3. The Department of Law Enforcement shall search all
1962 arrest fingerprints received under s. 943.051 against the
1963 fingerprints retained in the statewide automated biometric
1964 identification system under subparagraph 2. Any arrest record
1965 that is identified with an owner's or operator's fingerprints
1966 must be reported to the owner or operator, who must report to
1967 the Department of Education. Any costs associated with the
1968 search shall be borne by the owner or operator.

1969 4. An owner or operator who fails the level 2 background
1970 screening is not eligible to participate in a scholarship
1971 program under this chapter.

1972 5. In addition to the offenses listed in s. 435.04, a
1973 person required to undergo background screening pursuant to this
1974 part or authorizing statutes may not have an arrest awaiting
1975 final disposition for, must not have been found guilty of, or
1976 entered a plea of nolo contendere to, regardless of
1977 adjudication, and must not have been adjudicated delinquent for,
1978 and the record must not have been sealed or expunged for, any of
1979 the following offenses or any similar offense of another
1980 jurisdiction:

- 1981 a. Any authorizing statutes, if the offense was a felony.
- 1982 b. This chapter, if the offense was a felony.



- 1983 c. Section 409.920, relating to Medicaid provider fraud.
1984 d. Section 409.9201, relating to Medicaid fraud.
1985 e. Section 741.28, relating to domestic violence.
1986 f. Section 817.034, relating to fraudulent acts through
1987 mail, wire, radio, electromagnetic, photoelectronic, or
1988 photooptical systems.
1989 g. Section 817.234, relating to false and fraudulent
1990 insurance claims.
1991 h. Section 817.505, relating to patient brokering.
1992 i. Section 817.568, relating to criminal use of personal
1993 identification information.
1994 j. Section 817.60, relating to obtaining a credit card
1995 through fraudulent means.
1996 k. Section 817.61, relating to fraudulent use of credit
1997 cards, if the offense was a felony.
1998 l. Section 831.01, relating to forgery.
1999 m. Section 831.02, relating to uttering forged instruments.
2000 n. Section 831.07, relating to forging bank bills, checks,
2001 drafts, or promissory notes.
2002 o. Section 831.09, relating to uttering forged bank bills,
2003 checks, drafts, or promissory notes.
2004 p. Section 831.30, relating to fraud in obtaining medicinal
2005 drugs.
2006 q. Section 831.31, relating to the sale, manufacture,
2007 delivery, or possession with the intent to sell, manufacture, or
2008 deliver any counterfeit controlled substance, if the offense was
2009 a felony.
2010 6. At least 30 calendar days before a transfer of ownership
2011 of a private school, the owner or operator shall notify the



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2012 parent of each scholarship student.

2013 7. The owner or operator of a private school that has been
2014 deemed ineligible to participate in a scholarship program
2015 pursuant to this chapter may not transfer ownership or
2016 management authority of the school to a relative in order to
2017 participate in a scholarship program as the same school or a new
2018 school. For purposes of this subparagraph, the term "relative"
2019 means father, mother, son, daughter, grandfather, grandmother,
2020 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
2021 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
2022 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
2023 stepdaughter, stepbrother, stepsister, half-brother, or half-
2024 sister.

2025 (q) Provide a report from an independent certified public
2026 accountant who performs the agreed-upon procedures developed
2027 pursuant to s. 1002.395(6)(q) ~~s. 1002.395(6)(e)~~ if the private
2028 school receives more than \$250,000 in funds from scholarships
2029 awarded under this chapter in a state fiscal year. A private
2030 school subject to this subsection must annually submit the
2031 report by September 15 to the scholarship-funding organization
2032 that awarded the majority of the school's scholarship funds.
2033 However, a school that receives more than \$250,000 in
2034 scholarship funds only through the John M. McKay Scholarship for
2035 Students with Disabilities Program pursuant to s. 1002.39 must
2036 submit the annual report by September 15 to the department. The
2037 agreed-upon procedures must be conducted in accordance with
2038 attestation standards established by the American Institute of
2039 Certified Public Accountants.

2040 (r) Prohibit education support employees, instructional



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2041 personnel, and school administrators from employment in any
2042 position that requires direct contact with students if the
2043 personnel or administrators are ineligible for such employment
2044 pursuant to this section or s. 1012.315, or have been terminated
2045 or have resigned in lieu of termination for sexual misconduct
2046 with a student. If the prohibited conduct occurs subsequent to
2047 employment, the private school must report the person and the
2048 disqualifying circumstances to the department for inclusion on
2049 the disqualification list maintained pursuant to s.
2050 1001.10(4)(b).

2051
2052 The department shall suspend the payment of funds to a private
2053 school that knowingly fails to comply with this subsection, and
2054 shall prohibit the school from enrolling new scholarship
2055 students, for 1 fiscal year and until the school complies. If a
2056 private school fails to meet the requirements of this subsection
2057 or has consecutive years of material exceptions listed in the
2058 report required under paragraph (q), the commissioner may
2059 determine that the private school is ineligible to participate
2060 in a scholarship program.

2061 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

2062 The Commissioner of Education:

2063 (c) May permanently deny or revoke the authority of an
2064 owner, an officer, or a director ~~or operator~~ to establish or
2065 operate a private school in this the state and include such
2066 individual on the disqualification list maintained by the
2067 department pursuant to s. 1001.10(4)(b) if the commissioner
2068 decides that the owner, officer, or director: ~~or operator~~

2069 1. Is operating or has operated an educational institution



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2070 in this ~~the~~ state or another state or jurisdiction in a manner
2071 contrary to the health, safety, or welfare of the public; or

2072 2. Has operated an educational institution that closed
2073 during the school year. An individual may be removed from the
2074 disqualification list if the individual reimburses the
2075 department or eligible nonprofit scholarship-funding
2076 organization the amount of scholarship funds received by the
2077 educational institution during the school year in which it
2078 closed, and shall include such individuals on the
2079 disqualification list maintained by the department pursuant to
2080 s. 1001.10(4)(b).

2081 Section 9. Section 1002.44, Florida Statutes, is created to
2082 read:

2083 1002.44 Part-time public school enrollment.—

2084 (1) Any public school in this state, including a charter
2085 school, may enroll a student who meets the regular school
2086 attendance criteria in s. 1003.01(13)(b)-(f) on a part-time
2087 basis, subject to space and availability according to the
2088 school's capacity determined pursuant to s. 1002.31(2)(b).

2089 (2) A student attending a public school on a part-time
2090 basis pursuant to this section shall generate full-time
2091 equivalent student membership as described in s. 1011.61(1)(b).

2092 A student receiving a scholarship under this chapter who attends
2093 a public school on a part-time basis through contracted services
2094 provided by the public school or school district may not be
2095 reported for funding.

2096 (3) A student attending a public school on a part-time
2097 basis pursuant to this section is not considered to be in
2098 regular attendance at a public school as defined in s.



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2099 1003.01(13)(a).

2100 Section 10. Paragraphs (d) and (e) of subsection (13) and
2101 subsection (14) of section 1003.01, Florida Statutes, are
2102 amended, and paragraph (f) is added to subsection (13) of that
2103 section, to read:

2104 1003.01 Definitions.—As used in this chapter, the term:

2105 (13) “Regular school attendance” means the actual
2106 attendance of a student during the school day as defined by law
2107 and rules of the State Board of Education. Regular attendance
2108 within the intent of s. 1003.21 may be achieved by attendance
2109 in:

2110 (d) A home education program that meets the requirements of
2111 chapter 1002; ~~or~~

2112 (e) A private tutoring program that meets the requirements
2113 of chapter 1002; or—

2114 (f) A personalized education program that meets the
2115 requirements of s. 1002.395.

2116 (14) “Core-curricula courses” means:

2117 (a) Courses in language arts/reading, mathematics, social
2118 studies, and science in prekindergarten through grade 3,
2119 excluding extracurricular courses pursuant to subsection (15);

2120 (b) Courses in grades 4 through 8 in subjects that are
2121 measured by state assessment at any grade level and courses
2122 required for middle school promotion, excluding extracurricular
2123 courses pursuant to subsection (15);

2124 (c) Courses in grades 9 through 12 in subjects that are
2125 measured by state assessment at any grade level and courses that
2126 are specifically identified by name in statute as required for
2127 high school graduation and that are not measured by state



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2128 assessment, excluding extracurricular courses pursuant to
2129 subsection (15);

2130 (d) Exceptional student education courses; and

2131 (e) English for Speakers of Other Languages courses.

2132

2133 The term is limited in meaning and used for the sole purpose of
2134 designating classes that are subject to the maximum class size
2135 requirements established in s. 1, Art. IX of the State
2136 Constitution. This term does not include courses offered under
2137 ss. 1002.321(3)(e), 1002.33(7)(a)2.b., 1002.37, 1002.45, and
2138 1003.499 ~~ss. 1002.321(4)(e), 1002.33(7)(a)2.b., 1002.37,~~
2139 ~~1002.45, and 1003.499.~~

2140 Section 11. No later than November 1, 2023, the State Board
2141 of Education shall develop and recommend to the Governor and
2142 Legislature for adoption during the 2024 legislative session
2143 repeals and revisions to the Florida Early Learning-20 Education
2144 Code, chapters 1000-1013, Florida Statutes, to reduce regulation
2145 of public schools. The state board shall review the entirety of
2146 the Florida Early Learning-20 Education Code for potential
2147 repeals and revisions. The state board must make recommendations
2148 addressing repeals and revisions to the statutes governing the
2149 transportation of students. The state board shall consider input
2150 from teachers, superintendents, administrators, school boards,
2151 public and private postsecondary institutions, home educators,
2152 and other entities identified by the state board.

2153 Section 12. Subsection (10) is added to section 1001.10,
2154 Florida Statutes, to read:

2155 1001.10 Commissioner of Education; general powers and
2156 duties.-



2157 (10) Due to the range of school choice options and the
2158 variety of ways students learn, the commissioner shall develop
2159 an online portal that enables parents to choose the best
2160 educational options for their student. The portal, at a minimum,
2161 must:

2162 (a) Recommend educational options based on questions about
2163 the student, including the needs and interests of the student.

2164 (b) Advise parents on the recommended educational options
2165 for their student.

2166 (c) Enable schools to develop a school profile and connect
2167 directly with families who express interest in the school.

2168 (d) Allow parents to complete the school enrollment
2169 process.

2170 Section 13. Paragraph (c) of subsection (22) of section
2171 1002.20, Florida Statutes, is amended to read:

2172 1002.20 K-12 student and parent rights.—Parents of public
2173 school students must receive accurate and timely information
2174 regarding their child's academic progress and must be informed
2175 of ways they can help their child to succeed in school. K-12
2176 students and their parents are afforded numerous statutory
2177 rights including, but not limited to, the following:

2178 (22) TRANSPORTATION.—

2179 (c) *Parental consent.*—Each parent of a public school
2180 student must be notified in writing and give written consent
2181 before the student may be transported in a privately owned motor
2182 vehicle to a school function, ~~in accordance with the provisions~~
2183 ~~of s. 1006.22(2)(b).~~

2184 Section 14. Subsection (2) of section 1003.25, Florida
2185 Statutes, is amended to read:



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2186 1003.25 Procedures for maintenance and transfer of student
2187 records.—

2188 (2) The procedure for transferring and maintaining records
2189 of students who transfer from school to school shall be
2190 prescribed by rules of the State Board of Education. The
2191 transfer of records shall occur within 5 ~~3~~ school days. The
2192 records shall include:

2193 (a) Verified reports of serious or recurrent behavior
2194 patterns, including threat assessment evaluations and
2195 intervention services.

2196 (b) Psychological evaluations, including therapeutic
2197 treatment plans and therapy or progress notes created or
2198 maintained by school district or charter school staff, as
2199 appropriate.

2200 Section 15. Subsection (4) of section 1003.4282, Florida
2201 Statutes, is amended to read:

2202 1003.4282 Requirements for a standard high school diploma.—

2203 ~~(4) ONLINE COURSE REQUIREMENT. At least one course within~~
2204 ~~the 24 credits required under this section must be completed~~
2205 ~~through online learning.~~

2206 ~~(a) An online course taken in grade 6, grade 7, or grade 8~~
2207 ~~fulfills the requirements of this subsection. The requirement is~~
2208 ~~met through an online course offered by the Florida Virtual~~
2209 ~~School, a virtual education provider approved by the State Board~~
2210 ~~of Education, a high school, or an online dual enrollment~~
2211 ~~course. A student who is enrolled in a full-time or part-time~~
2212 ~~virtual instruction program under s. 1002.45 meets the~~
2213 ~~requirement.~~

2214 ~~(b) A district school board or a charter school governing~~



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2215 ~~board, as applicable, may allow a student to satisfy the online~~
2216 ~~course requirements of this subsection by completing a blended~~
2217 ~~learning course or a course in which the student earns a~~
2218 ~~nationally recognized industry certification in information~~
2219 ~~technology that is identified on the CAPE Industry Certification~~
2220 ~~Funding List pursuant to s. 1008.44 or passing the information~~
2221 ~~technology certification examination without enrolling in or~~
2222 ~~completing the corresponding course or courses, as applicable.~~

2223
2224 ~~For purposes of this subsection, a school district may not~~
2225 ~~require a student to take the online or blended learning course~~
2226 ~~outside the school day or in addition to a student's courses for~~
2227 ~~a given semester. This subsection does not apply to a student~~
2228 ~~who has an individual education plan under s. 1003.57 which~~
2229 ~~indicates that an online or blended learning course would be~~
2230 ~~inappropriate or to an out-of-state transfer student who is~~
2231 ~~enrolled in a Florida high school and has 1 academic year or~~
2232 ~~less remaining in high school.~~

2233 Section 16. Subsection (2) of section 1006.21, Florida
2234 Statutes, is amended to read:

2235 1006.21 Duties of district school superintendent and
2236 district school board regarding transportation.-

2237 (2) After considering recommendations of the district
2238 school superintendent, the district school board shall make
2239 provision for the transportation of students to the public
2240 schools or school activities they are required or expected to
2241 attend; authorize transportation routes arranged efficiently and
2242 economically; provide the necessary transportation facilities,
2243 and, when authorized under rules of the State Board of Education



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2244 and if more economical to do so, provide limited subsistence in
2245 lieu thereof; and adopt the necessary rules to ensure safety,
2246 economy, and efficiency in the operation of all buses and other
2247 vehicles used to transport students, as prescribed in this
2248 chapter.

2249 Section 17. Subsections (1), (2), (11), and (13) of section
2250 1006.22, Florida Statutes, are amended to read:

2251 1006.22 Safety and health of students being transported.—
2252 Maximum regard for safety and adequate protection of health are
2253 primary requirements that must be observed by district school
2254 boards in routing buses, appointing drivers, and providing and
2255 operating equipment, in accordance with all requirements of law
2256 and rules of the State Board of Education in providing
2257 transportation pursuant to s. 1006.21:

2258 ~~(1)(a) District school boards shall use school buses, as~~
2259 ~~defined in s. 1006.25, for all regular transportation. Regular~~
2260 ~~transportation or regular use means transportation of students~~
2261 ~~to and from school or school-related activities that are part of~~
2262 ~~a scheduled series or sequence of events to the same location.~~
2263 ~~“Students” means, for the purposes of this section, students~~
2264 ~~enrolled in the public schools in prekindergarten disability~~
2265 ~~programs and in kindergarten through grade 12. District school~~
2266 ~~boards may regularly use motor vehicles other than school buses~~
2267 ~~only under the following conditions:~~

2268 ~~1. When the transportation is for physically handicapped or~~
2269 ~~isolated students and the district school board has elected to~~
2270 ~~provide for the transportation of the student through written or~~
2271 ~~oral contracts or agreements.~~

2272 ~~2. When the transportation is a part of a comprehensive~~



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2273 ~~contract for a specialized educational program between a~~
2274 ~~district school board and a service provider who provides~~
2275 ~~instruction, transportation, and other services.~~

2276 ~~3. When the transportation is provided through a public~~
2277 ~~transit system.~~

2278 ~~4. When the transportation is for trips to and from school~~
2279 ~~sites or agricultural education sites or for trips to and from~~
2280 ~~agricultural education-related events or competitions, but is~~
2281 ~~not for customary transportation between a student's residence~~
2282 ~~and such sites.~~

2283 ~~5. When the transportation is for trips to and from school~~
2284 ~~sites but is not for customary transportation between a~~
2285 ~~student's residence and such sites.~~

2286 ~~(b) When the transportation of students is provided, as~~
2287 ~~authorized in this subsection, in a vehicle other than a school~~
2288 ~~bus that is owned, operated, rented, contracted, or leased by a~~
2289 ~~school district or charter school, the following provisions~~
2290 ~~shall apply:~~

2291 ~~1. The vehicle must be designed to transport fewer than 10~~
2292 ~~students or be a multifunction school activity bus, as defined~~
2293 ~~in 49 C.F.R. s. 571.3, if it is designed to transport more than~~
2294 ~~10 persons. Students must be transported in designated seating~~
2295 ~~positions and must use the occupant crash protection system~~
2296 ~~provided by the manufacturer unless the student's physical~~
2297 ~~condition prohibits such use.~~

2298 ~~2. An authorized vehicle may not be driven by a student on~~
2299 ~~a public right-of-way. An authorized vehicle may be driven by a~~
2300 ~~student on school or private property as part of the student's~~
2301 ~~educational curriculum if no other student is in the vehicle.~~



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2302 ~~3. The driver of an authorized vehicle transporting~~
2303 ~~students must maintain a valid driver license and must comply~~
2304 ~~with the requirements of the school district's locally adopted~~
2305 ~~safe driver plan, which includes review of driving records for~~
2306 ~~disqualifying violations.~~

2307 ~~4. The district school board or charter school must adopt a~~
2308 ~~policy that addresses procedures and liability for trips under~~
2309 ~~this paragraph, including a provision that school buses are to~~
2310 ~~be used whenever practical and specifying consequences for~~
2311 ~~violation of the policy.~~

2312 ~~(1)(2) Except as provided in subsection (1), District~~
2313 ~~school boards may authorize the transportation of students in~~
2314 ~~privately owned motor vehicles on a case-by-case basis only in~~
2315 ~~the following circumstances:~~

2316 ~~(a) When a student is ill or injured and must be taken home~~
2317 ~~or to a medical treatment facility under nonemergency~~
2318 ~~circumstances; and~~

2319 ~~1. The school has been unable to contact the student's~~
2320 ~~parent or the parent or responsible adult designated by the~~
2321 ~~parent is not available to provide the transportation;~~

2322 ~~2. Proper adult supervision of the student is available at~~
2323 ~~the location to which the student is being transported;~~

2324 ~~3. The transportation is approved by the school principal,~~
2325 ~~or a school administrator designated by the principal to grant~~
2326 ~~or deny such approval, or in the absence of the principal and~~
2327 ~~designee, by the highest ranking school administrator or teacher~~
2328 ~~available under the circumstances; and~~

2329 ~~4. If the school has been unable to contact the parent~~
2330 ~~prior to the transportation, the school shall continue to seek~~



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2331 ~~to contact the parent until the school is able to notify the~~
2332 ~~parent of the transportation and the pertinent circumstances.~~

2333 ~~(b) When the transportation is in connection with a school~~
2334 ~~function or event regarding which the district school board or~~
2335 ~~school has undertaken to participate or to sponsor or provide~~
2336 ~~the participation of students; and~~

2337 ~~1. The function or event is a single event that is not part~~
2338 ~~of a scheduled series or sequence of events to the same~~
2339 ~~location, such as, but not limited to, a field trip, a~~
2340 ~~recreational outing, an interscholastic competition or~~
2341 ~~cooperative event, an event connected with an extracurricular~~
2342 ~~activity offered by the school, or an event connected to an~~
2343 ~~educational program, such as, but not limited to, a job~~
2344 ~~interview as part of a cooperative education program;~~

2345 ~~2. Transportation is not available, as a practical matter,~~
2346 ~~using a school bus or school district passenger car; and~~

2347 ~~3. Each student's parent is notified, in writing, regarding~~
2348 ~~the transportation arrangement and gives written consent before~~
2349 ~~a student is transported in a privately owned motor vehicle.~~

2350 ~~(c) When a district school board requires employees such as~~
2351 ~~school social workers and attendance officers to use their own~~
2352 ~~motor vehicles to perform duties of employment, and such duties~~
2353 ~~include the occasional transportation of students.~~

2354 ~~(10)~~ (11) The district school superintendent shall notify
2355 the district school board of any school bus or other vehicle
2356 used to transport students that does not meet all requirements
2357 of law and rules of the State Board of Education, and the
2358 district school board shall, if the school bus is in an unsafe
2359 condition, withdraw it from use as a school bus until the bus



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2360 meets the requirements. The department may inspect or have
2361 inspected any school bus to determine whether the bus meets
2362 requirements of law and rules of the State Board of Education.
2363 The department may, after due notice to a district school board
2364 that any school bus does not meet certain requirements of law
2365 and rules of the State Board of Education, rule that the bus
2366 must be withdrawn from use as a school bus, this ruling to be
2367 effective immediately or upon a date specified in the ruling,
2368 whereupon the district school board shall withdraw the school
2369 bus from use as a school bus until it meets requirements of law
2370 and rules of the State Board of Education and until the
2371 department has officially revoked the pertinent ruling.
2372 Notwithstanding any other provisions of this chapter, general
2373 purpose urban transit systems are declared qualified to
2374 transport students to and from school.

2375 (12) ~~(13)~~ The State Board of Education may adopt rules to
2376 implement this section as are necessary to protect ~~or desirable~~
2377 ~~in the interest of~~ student health and safety.

2378 Section 18. Subsection (4) of section 1006.25, Florida
2379 Statutes, is amended to read:

2380 1006.25 School buses.—School buses shall be defined and
2381 meet specifications as follows:

2382 (4) OCCUPANT PROTECTION SYSTEMS.—Students may be
2383 transported only in designated seating positions, except as
2384 provided in s. 1006.22(11) ~~s. 1006.22(12)~~, and must use the
2385 occupant crash protection system provided by the manufacturer,
2386 which system must comply with the requirements of 49 C.F.R. part
2387 571 or with specifications of the State Board of Education.

2388 Section 19. Subsection (1) of section 1006.27, Florida



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2389 Statutes, is amended to read:

2390 1006.27 Pooling of school buses and other vehicles and
2391 related purchases by district school boards; transportation
2392 services contracts.—

2393 (1) The department shall assist district school boards in
2394 securing school buses and other vehicles for transporting
2395 students, contractual needs, equipment, and supplies at as
2396 reasonable prices as possible by providing a plan under which
2397 district school boards may voluntarily pool their bids for such
2398 purchases. The department shall prepare bid forms and
2399 specifications, obtain quotations of prices and make such
2400 information available to district school boards in order to
2401 facilitate this service. District school boards from time to
2402 time, as prescribed by State Board of Education rule, shall
2403 furnish the department with information concerning the prices
2404 paid for such items and the department shall furnish to district
2405 school boards periodic information concerning the lowest prices
2406 at which school buses and other vehicles, equipment, and related
2407 supplies are available based upon comparable specifications.

2408 Section 20. Paragraph (k) is added to subsection (2) of
2409 section 1011.71, Florida Statutes, to read:

2410 1011.71 District school tax.—

2411 (2) In addition to the maximum millage levy as provided in
2412 subsection (1), each school board may levy not more than 1.5
2413 mills against the taxable value for school purposes for charter
2414 schools pursuant to s. 1013.62(1) and (3) and for district
2415 schools to fund:

2416 (k) Payment of salaries and benefits for employees whose
2417 job duties support activities funded by this subsection.



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2418 Section 21. Effective upon this act becoming a law,
2419 subsection (3), paragraphs (d), (g), and (h) of subsection (5),
2420 paragraph (f) of subsection (6), and paragraphs (d) and (e) of
2421 subsection (7) of section 1012.56, Florida Statutes, are
2422 amended, and paragraph (i) is added to subsection (5) of that
2423 section, to read:

2424 1012.56 Educator certification requirements.—

2425 (3) MASTERY OF GENERAL KNOWLEDGE.—Acceptable means of
2426 demonstrating mastery of general knowledge are:

2427 (a) Achievement of passing scores on the general knowledge
2428 examination required by state board rule;

2429 (b) Documentation of a valid professional standard teaching
2430 certificate issued by another state;

2431 (c) Documentation of a valid certificate issued by the
2432 National Board for Professional Teaching Standards or a national
2433 educator credentialing board approved by the State Board of
2434 Education;

2435 (d) Documentation of two semesters of successful, full-time
2436 or part-time teaching in a Florida College System institution,
2437 state university, or private college or university that awards
2438 an associate or higher degree and is an accredited institution
2439 or an institution of higher education identified by the
2440 Department of Education as having a quality program;

2441 (e) Achievement of passing scores, identified in state
2442 board rule, on national or international examinations that test
2443 comparable content and relevant standards in verbal, analytical
2444 writing, and quantitative reasoning skills, including, but not
2445 limited to, the verbal, analytical writing, and quantitative
2446 reasoning portions of the Graduate Record Examination. Passing



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2447 scores identified in state board rule must be at approximately
2448 the same level of rigor as is required to pass the general
2449 knowledge examinations; or

2450 (f) Documentation of receipt of a master's or higher degree
2451 from an accredited postsecondary educational institution that
2452 the Department of Education has identified as having a quality
2453 program resulting in a baccalaureate degree or higher.

2454
2455 A school district that employs an individual who does not
2456 achieve passing scores on any subtest of the general knowledge
2457 examination must provide information regarding the availability
2458 of state-level and district-level supports and instruction to
2459 assist him or her in achieving a passing score. Such information
2460 must include, but need not be limited to, state-level test
2461 information guides, school district test preparation resources,
2462 and preparation courses offered by state universities and
2463 Florida College System institutions. The requirement of mastery
2464 of general knowledge must be waived for an individual who has
2465 been provided 3 years of supports and instruction and who has
2466 been rated effective or highly effective under s. 1012.34 for
2467 each of the last 3 years.

2468 (5) MASTERY OF SUBJECT AREA KNOWLEDGE.—Acceptable means of
2469 demonstrating mastery of subject area knowledge are:

2470 (d) For a subject requiring a master's or higher degree,
2471 completion of the subject area specialization requirements
2472 specified in state board rule and achievement of a passing score
2473 on the Florida-developed subject area examination or a
2474 standardized examination that is directly related to the subject
2475 specified in state board rule;



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2476 (g) Documentation of successful completion of a United
2477 States Defense Language Institute Foreign Language Center
2478 program; ~~or~~

2479 (h) Documentation of a passing score on the Defense
2480 Language Proficiency Test (DLPT); or

2481 (i) For a subject requiring only a baccalaureate degree for
2482 which a Florida subject area examination has been developed,
2483 documentation of receipt of a master's or higher degree from an
2484 accredited postsecondary educational institution that the
2485 Department of Education has identified as having a quality
2486 program resulting in a baccalaureate degree or higher in the
2487 certificate subject area as identified by state board rule.

2488
2489 School districts are encouraged to provide mechanisms for middle
2490 grades teachers holding only a K-6 teaching certificate to
2491 obtain a subject area coverage for middle grades through
2492 postsecondary coursework or district add-on certification.

2493 (6) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
2494 COMPETENCE.—Acceptable means of demonstrating mastery of
2495 professional preparation and education competence are:

2496 (f) Successful completion of professional preparation
2497 courses as specified in state board rule, successful completion
2498 of a professional preparation and education competence program
2499 pursuant to paragraph (8) (b), and documentation of 3 years of
2500 being rated effective or highly effective under s. 1012.34 while
2501 holding a temporary certificate ~~achievement of a passing score~~
2502 ~~on the professional education competency examination required by~~
2503 ~~state board rule;~~

2504



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2505 The State Board of Education shall adopt rules to implement this
2506 subsection by December 31, 2014, including rules to approve
2507 specific teacher preparation programs that are not identified in
2508 this subsection which may be used to meet requirements for
2509 mastery of professional preparation and education competence.

2510 (7) TYPES AND TERMS OF CERTIFICATION.—

2511 (d) A person who is issued a temporary certificate under
2512 paragraph (b) subparagraph (b)2. must be assigned a teacher
2513 mentor for a minimum of 2 school years after commencing
2514 employment. Each teacher mentor selected by the school district,
2515 charter school, or charter management organization must:

2516 1. Hold a valid professional certificate issued pursuant to
2517 this section;

2518 2. Have earned at least 3 years of teaching experience in
2519 prekindergarten through grade 12; and

2520 3. Have earned an effective or highly effective rating on
2521 the prior year's performance evaluation under s. 1012.34.

2522 (e)~~1.~~ A temporary certificate issued under paragraph (b)
2523 ~~subparagraph (b)1.~~ is valid for 5 ~~3~~ school fiscal years and is
2524 nonrenewable.

2525 ~~2. A temporary certificate issued under subparagraph (b)2.~~
2526 ~~is valid for 5 school fiscal years, is limited to a one-time~~
2527 ~~issuance, and is nonrenewable.~~

2528
2529 At least 1 year before an individual's temporary certificate is
2530 set to expire, the department shall electronically notify the
2531 individual of the date on which his or her certificate will
2532 expire and provide a list of each method by which the
2533 qualifications for a professional certificate can be completed.



2534 The State Board of Education shall adopt rules to allow the
2535 department to extend the validity period of a temporary
2536 certificate for 2 years when the requirements for the
2537 professional certificate were not completed due to the serious
2538 illness or injury of the applicant, the military service of an
2539 applicant's spouse, other extraordinary extenuating
2540 circumstances, or if the certificateholder is rated highly
2541 effective in the immediate prior year's performance evaluation
2542 pursuant to s. 1012.34 or has completed a 2-year mentorship
2543 program pursuant to subsection (8). The department shall extend
2544 the temporary certificate upon approval by the Commissioner of
2545 Education. A written request for extension of the certificate
2546 shall be submitted by the district school superintendent, the
2547 governing authority of a university lab school, the governing
2548 authority of a state-supported school, or the governing
2549 authority of a private school.

2550 Section 22. Paragraph (e) is added to subsection (6) of
2551 section 1013.64, Florida Statutes, to read:

2552 1013.64 Funds for comprehensive educational plant needs;
2553 construction cost maximums for school district capital
2554 projects.—Allocations from the Public Education Capital Outlay
2555 and Debt Service Trust Fund to the various boards for capital
2556 outlay projects shall be determined as follows:

2557 (6)

2558 (e) Notwithstanding the requirements of this subsection, an
2559 unfinished construction project for new construction of
2560 educational plant space that was started on or before July 1,
2561 2026, is exempt from the total cost per student station
2562 requirements established in paragraph (b).



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2563 Section 23. Subsection (3) of section 1002.321, Florida
2564 Statutes, is amended to read:

2565 1002.321 Digital learning.—

2566 ~~(3) DIGITAL PREPARATION. As required under s. 1003.4282, A~~
2567 ~~student entering grade 9 in the 2011-2012 school year and~~
2568 ~~thereafter who seeks a high school diploma must take at least~~
2569 ~~one online course.~~

2570 Section 24. Paragraphs (a) and (b) of subsection (2) of
2571 section 1003.5716, Florida Statutes, are amended to read:

2572 1003.5716 Transition to postsecondary education and career
2573 opportunities.—All students with disabilities who are 3 years of
2574 age to 21 years of age have the right to a free, appropriate
2575 public education. As used in this section, the term "IEP" means
2576 individual education plan.

2577 (2) Beginning not later than the first IEP to be in effect
2578 when the student enters high school, attains the age of 14, or
2579 when determined appropriate by the parent and the IEP team,
2580 whichever occurs first, the IEP must include the following
2581 statements that must be updated annually:

2582 (a) A statement of intent to pursue a standard high school
2583 diploma and a Scholar or Merit designation, pursuant to s.
2584 1003.4285, as determined by the parent.

2585 1. The statement must document discussion of the process
2586 for a student with a disability who meets the requirements for a
2587 standard high school diploma to defer the receipt of such
2588 diploma pursuant to s. 1003.4282(8)(c) ~~s. 1003.4282(9)(e)~~.

2589 2. For the IEP in effect at the beginning of the school
2590 year the student is expected to graduate, the statement must
2591 include a signed statement by the parent, the guardian, or the



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2592 student, if the student has reached the age of majority and
2593 rights have transferred to the student, that he or she
2594 understands the process for deferment and identifying if the
2595 student will defer the receipt of his or her standard high
2596 school diploma.

2597 (b) A statement of intent to receive a standard high school
2598 diploma before the student attains the age of 22 and a
2599 description of how the student will fully meet the requirements
2600 in s. 1003.4282, including, but not limited to, a portfolio
2601 pursuant to s. 1003.4282(8)(b) ~~s. 1003.4282(9)(b)~~ which meets
2602 the criteria specified in State Board of Education rule. The IEP
2603 must also specify the outcomes and additional benefits expected
2604 by the parent and the IEP team at the time of the student's
2605 graduation.

2606 Section 25. Subsection (2) of section 1003.499, Florida
2607 Statutes, is amended to read:

2608 1003.499 Florida Approved Courses and Tests (FACT)
2609 Initiative.—

2610 (2) FLORIDA APPROVED COURSES.—The Department of Education
2611 shall annually publish online a list of providers approved to
2612 offer Florida approved courses which shall be listed in the
2613 online catalog pursuant to s. 1002.321(5) ~~s. 1002.321(6)~~.

2614 (a) As used in this section, the term "Florida approved
2615 courses" means online courses provided by individuals which
2616 include, but are not limited to, massive open online courses or
2617 remedial education associated with the courses that are measured
2618 pursuant to s. 1008.22. Massive open online courses may be
2619 authorized in the following subject areas: Algebra I, biology,
2620 geometry, and civics. Courses may be applied toward requirements



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2621 for promotion or graduation in whole, in subparts, or in a
2622 combination of whole and subparts. A student may not be required
2623 to repeat subparts that are satisfactorily completed.

2624 (b) A Florida approved course must be annually identified,
2625 approved, published, and shared for consideration by interested
2626 students and school districts. The Commissioner of Education
2627 shall approve each Florida approved course for application in K-
2628 12 public schools in accordance with rules of the State Board of
2629 Education.

2630 Section 26. Paragraph (c) of subsection (2) of section
2631 1003.27, Florida Statutes, is amended to read:

2632 1003.27 Court procedure and penalties.—The court procedure
2633 and penalties for the enforcement of the provisions of this
2634 part, relating to compulsory school attendance, shall be as
2635 follows:

2636 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

2637 (c) Each designee of the governing body of each private
2638 school and each parent whose child is enrolled in a home
2639 education program or personalized education program may provide
2640 the Department of Highway Safety and Motor Vehicles with the
2641 legal name, sex, date of birth, and social security number of
2642 each minor student under his or her jurisdiction who fails to
2643 satisfy relevant attendance requirements and who fails to
2644 otherwise satisfy the requirements of s. 322.091. The Department
2645 of Highway Safety and Motor Vehicles may not issue a driver
2646 license or learner's driver license to, and shall suspend any
2647 previously issued driver license or learner's driver license of,
2648 any such minor student pursuant to s. 322.091.

2649 Section 27. Paragraph (k) of subsection (4) of section



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2650 1003.485, Florida Statutes, is amended to read:
2651 1003.485 The New Worlds Reading Initiative.—
2652 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
2653 shall:
2654 (k) Expend eligible contributions received only for the
2655 purchase and delivery of books and to implement the requirements
2656 of this section, as well as for administrative expenses not to
2657 exceed 2 percent of total eligible contributions.
2658 Notwithstanding s. 1002.395(6)(l)2. ~~s. 1002.395(6)(j)2.~~, the
2659 administrator may carry forward up to 25 percent of eligible
2660 contributions made before January 1 of each state fiscal year
2661 and 100 percent of eligible contributions made on or after
2662 January 1 of each state fiscal year to the following state
2663 fiscal year for purposes authorized by this subsection. Any
2664 eligible contributions in excess of the allowable carry forward
2665 not used to provide additional books throughout the year to
2666 eligible students shall revert to the state treasury.
2667 Section 28. Subsections (3) and (5) of section 1009.30,
2668 Florida Statutes, are amended to read:
2669 1009.30 Dual Enrollment Scholarship Program.—
2670 (3)(a) The program shall reimburse eligible postsecondary
2671 institutions for tuition and related instructional materials
2672 costs for dual enrollment courses taken during the fall or
2673 spring terms by eligible students, consisting of:
2674 1. Private school students who take dual enrollment courses
2675 pursuant to s. 1007.271(24)(b); ~~or~~
2676 2. Home education program secondary students; or
2677 3. Personalized education program secondary students.
2678 (b) ~~Beginning in the 2022 summer term,~~ The program shall



2679 reimburse institutions for tuition and related instructional
2680 materials costs for dual enrollment courses taken by public
2681 school, private school, ~~or~~ home education program secondary
2682 students, or personalized education program secondary students
2683 during the summer term.

2684 (5) Each participating institution must report to the
2685 department any ~~eligible~~ secondary students eligible pursuant to
2686 subsection (3) from private schools or home education programs
2687 who were enrolled during the fall or spring terms within 30 days
2688 after the end of regular registration. Each participating
2689 institution must report to the department any secondary students
2690 eligible pursuant to subsection (3) public school, private
2691 school, or home education program students who were enrolled
2692 during the summer term within 30 days after the end of regular
2693 registration. For each dual enrollment course in which the
2694 student is enrolled, the report must include a unique student
2695 identifier, the postsecondary institution name, the
2696 postsecondary course number, and the postsecondary course name.
2697 The department shall reimburse each participating institution no
2698 later than 30 days after the institution has reported enrollment
2699 for that term.

2700 Section 29. Except as otherwise expressly provided in this
2701 act and except for this section, which shall take effect upon
2702 this act becoming a law, this act shall take effect July 1,
2703 2023.

2704
2705 ===== T I T L E A M E N D M E N T =====

2706 And the title is amended as follows:

2707 Delete everything before the enacting clause



2708 and insert:

2709 A bill to be entitled
2710 An act relating to education; amending ss. 11.45,
2711 212.099, and 327.371, F.S.; conforming cross-
2712 references; amending s. 1002.01, F.S.; defining the
2713 term "personalized education program"; amending s.
2714 1002.394, F.S.; providing and revising definitions;
2715 revising student eligibility and ineligibility
2716 requirements for the Family Empowerment Scholarship
2717 Program; revising the approved uses of scholarship
2718 funds; providing that certain scholarships remain in
2719 force until certain criteria are met; requiring the
2720 closure of a scholarship account and the reversion of
2721 funds to the state under certain circumstances;
2722 authorizing reimbursements for certain expenditures
2723 until certain criteria are met; revising obligations
2724 of school districts, the Department of Education,
2725 private schools, and eligible nonprofit scholarship-
2726 funding organizations; revising responsibilities of
2727 parents; requiring scholarship funds to be deposited
2728 by funds transfers rather than through warrant
2729 endorsement; requiring certain criteria to be met
2730 before the funding of certain scholarships; revising
2731 provisions for the calculation of an award amount for
2732 certain students; prohibiting the transfer of funds to
2733 an eligible student's account under certain
2734 conditions; deleting obsolete language; conforming
2735 provisions and cross-references to changes made by the
2736 act; amending s. 1002.395, F.S.; providing and



2737 revising definitions; revising student eligibility and
2738 ineligibility requirements for the Florida Tax Credit
2739 Scholarship Program; revising obligations of eligible
2740 nonprofit scholarship-funding organizations and the
2741 department; establishing certain limitations on the
2742 number of scholarships funded through the program;
2743 revising the approved uses of scholarship funds;
2744 revising requirements for the use of certain
2745 contributions for administrative expenses; revising
2746 the amount of funds that must be awarded through
2747 scholarships; requiring the development of specified
2748 guidelines; authorizing organizations to require the
2749 use of an online platform for specified purchases so
2750 long as such use does not limit specified choices;
2751 requiring an organization to provide reimbursement in
2752 specified circumstances; requiring organizations to
2753 submit specified quarterly reports; revising
2754 responsibilities of parents; requiring scholarship
2755 funds to be deposited by funds transfers rather than
2756 through warrant endorsement; requiring the department
2757 to annually publish a list of specified tests;
2758 revising the requirements of a specified annual
2759 report; requiring the department to notify school
2760 districts of specified estimates; prohibiting the
2761 transfer of funds to an eligible student's account
2762 under certain conditions; providing that certain
2763 scholarships remain in force until certain criteria
2764 are met; authorizing reimbursements for certain
2765 expenditures until certain criteria are met; requiring



2766 the closure of a scholarship account and the reversion
2767 of funds to the state under certain circumstances;
2768 requiring the Office of Independent Education and
2769 Parental Choice to provide a specified number of
2770 application periods for specified purposes; deleting
2771 obsolete language; conforming provisions and cross-
2772 references to changes made by the act; amending s.
2773 1002.40, F.S.; conforming cross-references; amending
2774 s. 1002.421, F.S.; revising the eligibility criteria
2775 and obligations of private schools participating in
2776 certain educational scholarship programs; revising the
2777 criteria for the Commissioner of Education to
2778 permanently deny or revoke the authority of certain
2779 individuals to establish or operate a private school
2780 in this state; authorizing the commissioner to include
2781 specified individuals on a specified disqualification
2782 list; authorizing that such individuals be removed
2783 from such list if they provide specified
2784 reimbursements; making technical changes; conforming
2785 cross-references; creating s. 1002.44, F.S.;
2786 authorizing public schools, including charter schools,
2787 to enroll certain students on a part-time basis;
2788 providing funding for such students; prohibiting
2789 certain students from being reported for funding;
2790 providing that such students are not considered to be
2791 in regular attendance at such schools; amending s.
2792 1003.01, F.S.; conforming provisions and cross-
2793 references to changes made by the act; requiring the
2794 State Board of Education to develop and recommend to



2795 the Governor and the Legislature for adoption during
2796 the 2024 legislative session repeals and revisions to
2797 the Florida Early Learning-20 Education Code by a
2798 specified date; providing requirements for the state
2799 board relating to such recommendations; amending s.
2800 1001.10, F.S.; requiring the Commissioner of Education
2801 to develop an online portal for specified purpose;
2802 providing requirements for such portal; amending s.
2803 1002.20, F.S.; conforming a cross-reference; amending
2804 s. 1003.25, F.S.; revising the timeframe in which
2805 student records must be transferred; amending s.
2806 1003.4282, F.S.; deleting the online course
2807 requirement for a standard high school diploma;
2808 amending s. 1006.21, F.S.; authorizing a district
2809 school board to use other vehicles to transport
2810 students; amending s. 1006.22, F.S.; deleting a
2811 requirement that district school boards use school
2812 buses for all regular transportation; deleting
2813 provisions relating to circumstances in which students
2814 may be transported in privately owned motor vehicles;
2815 conforming a provision to changes made by the act;
2816 amending s. 1006.25, F.S.; conforming a cross-
2817 reference; amending s. 1006.27, F.S.; conforming
2818 provisions to changes made by the act; amending s.
2819 1011.71, F.S.; authorizing that a specified district
2820 school board levy be used to pay salaries and benefits
2821 for specified employees; amending s. 1012.56, F.S.;
2822 exempting specified individuals from certain mastery
2823 of general knowledge requirements; revising the



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2824 acceptable means of demonstrating mastery of subject
2825 area knowledge and mastery of professional preparation
2826 and education competence, respectively; revising
2827 requirements for the department to issue temporary
2828 certificates; revising the validity period for certain
2829 temporary certificates; amending s. 1013.64, F.S.;
2830 providing that certain construction projects are
2831 exempt from the total cost per student station
2832 requirements; amending ss. 1002.321, 1003.5716,
2833 1003.499, 1003.27, 1003.485, and 1009.30, F.S.;
2834 conforming cross-references and provisions to changes
2835 made by the act; providing effective dates.